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Statutes  
Ont.

Ontario. Statutes

101

# STATUTES

OF THE

# PROVINCE OF ONTARIO,

PASSED IN THE SESSION HELD IN THE

FIFTIETH YEAR OF THE REIGN OF HER MAJESTY

## QUEEN VICTORIA,

Being the First Session of the Fifth Legislature of Ontario,

1887

BEGUN AND HOLDEN AT TORONTO, ON THE TENTH DAY OF FEBRUARY, IN THE YEAR OF OUR  
LORD ONE THOUSAND EIGHT HUNDRED AND EIGHTY-SEVEN.



21205-6  
9:5:27

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HIS HONOUR  
THE HONOURABLE JOHN BEVERLEY ROBINSON,  
LIEUTENANT-GOVERNOR.

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**Toronto:**  
PRINTED BY JOHN NOTMAN,  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY,  
1887.





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**WARWICK & SONS,**  
TORONTO.





## 50 VICTORIA.

### CHAPTER 1.

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty-seven, and for other purposes therein mentioned.

*[Assented to 23rd April, 1887.]*

MOST GRACIOUS SOVEREIGN :

**W**HEREAS it appears by messages from His Honour, the Preamble.  
Honourable John Beverley Robinson, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and eighty-seven ; may it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :—

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three million one hundred and sixty-five thousand seven hundred and seventy-one dollars and ninety-six cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and eighty-seven, as set forth in schedule A to this Act ; and for the expenses of Legislation, Public Institutions' Maintenance, and salaries of the

\$3,165,771.96  
granted out of  
the Consoli-  
dated Revenue  
Fund for cer-  
tain purposes.

the officers of the Government and Civil Service for the month of January, one thousand eight hundred and eighty-eight, as set forth in schedule B to this Act.

Accounts to be  
laid before the  
Legislature.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under schedule A of this Act, shall be laid before the Legislative Assembly at its next sitting.

Unexpended  
moneys.

3. Any part of the money under schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and eighty-seven, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Expenditure  
to be account-  
ed for to Her  
Majesty.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

## SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and eighty-seven, and the purposes for which they are granted.

### CIVIL GOVERNMENT.

*To defray the expenses of the several Departments at Toronto.*

Government House.....	\$1,750 00
Lieutenant-Governor's Office.....	3,980 00
Executive Council and Attorney-General's Office	16,230 00
Education Department.....	21,250 00
Crown Lands Department.....	49,150 00
Department of Public Works.....	18,630 00
Treasury Department.....	19,250 00
Secretary and Registrar's Department.....	32,675 00
Department of Agriculture.....	500 00
Department of Immigration.....	1,600 00
Inspection of Public Institutions.....	9,375 00
Provincial Board of Health.....	6,975 00
Miscellaneous.....	10,400 00
	————— \$191,765 00

### LEGISLATION.

To defray expenses of Legislation..... 123,600 00

ADMINISTRATION



## ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature .....	\$56,933 00
Miscellaneous—Criminal and Civil Justice .....	295,889 75
Surrogate Judges and Local Masters.....	20,143 00
	<hr/> \$372,965 75

## EDUCATION.

To defray expenses of:—

Public and Separate Schools.....	\$240,000 00
Schools in New and Poor Townships.. ..	22,000 00
Model Schools .....	8,400 00
Teachers' Institutes.....	2,000 00
High Schools and Collegiate Institutes.....	90,600 00
Training Institutes.....	2,100 00
Inspection of Normal, High, Model, Public and Separate Schools.....	50,550 00
Departmental Examinations .....	11,000 00
Normal and Model Schools, Toronto.....	19,080 00
Normal School, Ottawa.....	21,010 00
Museum and Library.....	3,850 00
School of Practical Science.....	7,594 00
Mechanics' Institutes, Art Schools, Literary and Scientific .....	36,500 00
Miscellaneous .....	2,274 65
Superannuated Teachers.....	58,300 00
	<hr/> 575,258 65

## PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of:—

Asylum for the Insane, Toronto.....	\$97,874 15
Asylum for the Insane, London .....	124,320 00
Asylum for the Insane, Kingston.....	89,240 00
Asylum for the Insane, Hamilton.....	84,042 00
Asylum for the Insane, Orillia .....	29,400 00
Central Prison, Toronto .....	90,576 56
Provincial Reformatory, Penetanguishene.....	41,910 00
Institution for the Deaf and Dumb, Belleville..	40,050 50
Institution for the Blind, Brantford.....	33,817 00
Mercer Reformatory for Females .....	29,876 00
	<hr/> 661,106 21

## IMMIGRATION.

To defray expenses of a grant in aid of Immigration.....	16,900 00
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## AGRICULTURE.

To defray expenses of a grant in aid of Agriculture.....	139,886 00
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HOSPITALS

## HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and Charities..... \$106,121 56

MAINTENANCE AND REPAIRS OF GOVERNMENT AND  
DEPARTMENTAL BUILDINGS.

Government House.....	\$7,500 00
Parliament Buildings:—	
Main Buildings .....	9,900 00
West Wing .....	2,800 00
East Wing.....	4,050 00
Education Department (Normal School Building) .....	7,900 00
Rented premises, Simcoe Street.....	2,700 00
Miscellaneous .....	2,990 00
Normal School, Ottawa.....	3,000 00
School of Practical Science .....	1,200 00
Agricultural College.....	6,000 00
Agricultural Hall .....	500 00
Osgoode Hall .....	8,040 00

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56,580 00

## PUBLIC BUILDINGS.

Asylum for the Insane, Toronto .....	\$7,459 00
Asylum for the Insane, London .....	17,975 00
Asylum for the Insane, Hamilton.....	120,450 00
Asylum for the Insane, Kingston.....	17,032 44
Asylum Regiopolis Branch.....	200 00
Asylum for Idiots, Orillia.....	73,150 00
Reformatory, Penetanguishene.....	7,165 00
Reformatory for Females, Toronto .....	2,945 67
Central Prison, Toronto.....	7,342 00
Deaf and Dumb Institute, Belleville.....	3,941 00
Blind Institute, Brantford.....	6,750 00
Agricultural College, Guelph .....	13,100 00
Normal School and Education Depart't, Toronto	12,500 00
Normal School, Ottawa.....	2,000 00
School of Practical Science, Toronto .....	2,000 00
Agricultural Hall.....	324 00
Osgoode Hall, Toronto .....	2,500 00
Government House, Toronto.....	3,000 00
Parliament Buildings.....	2,000 00
District of Algoma.....	5,500 00
Thunder Bay District .....	1,200 00
Rainy River District.....	1,000 00
Muskoka District .....	100 00
Parry Sound District.....	1,500 00
Nipissing District .....	1,200 00
Unorganized Territory .....	400 00
Miscellaneous .....	600 00

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313,334 11  
PUBLIC



PUBLIC WORKS.

To defray expenses of Public Works ..... \$61,061 00

COLONIZATION ROADS.

To defray expenses of Construction and Repairs ..... 117,550 00

CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands ..... 96,900 00

REFUNDS.

Education .....	\$5,000 00	
Crown Lands.....	10,500 00	
Municipalities Fund.....	4,457 35	
Land Improvement Fund.....	4,040 93	
Miscellaneous .....	8,000 00	
	<hr/>	31,998 28

STATUTE CONSOLIDATION.

To defray expenses of consolidation of Statutes..... 33,650 00

MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure..... 137,095 40

UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses..... 50,000 00

Total estimates for expenditure of 1887.....

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3,085,771 96

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SCHEDULE B.

SUM granted to Her Majesty by this Act for the year one thousand eight hundred and eighty-eight, and the purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions' Maintenance, and for salaries of the officers of the Government and Civil Service for the month of January, 1888..... 80,000 00

Total.....

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\$3,165,771 96

## CHAPTER 2.

An Act respecting the Revised Statutes of Ontario,  
1887.*[Assented to 23rd April, 1887.]*

Preamble.

WHEREAS it has been found expedient to revise, classify, and consolidate the Public General Statutes, which apply to the Province of Ontario and are within the legislative authority of the Legislature of Ontario; and whereas such revision, classification, and consolidation, have been made accordingly; and whereas it is expedient to provide for the incorporation therewith of the Public General Statutes, passed during the present session, and for giving the force of law to the body of revised statutes to result from such incorporation;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Original Roll  
of Statutes re-  
vised, etc., to  
be certified  
and deposited.

1. The printed roll, attested as that of the said statutes revised, classified, and consolidated as aforesaid, under the signature of His Honour the Lieutenant-Governor, and that of the Clerk of the Legislative Assembly, and deposited in the office of the Clerk of the Legislative Assembly, shall be held to be the original thereof, and to embody the several Acts and parts of Acts mentioned as to be repealed in the schedule A thereto annexed; but the marginal notes thereon, and the headings in the body of the Act, and the references to former enactments at the foot of the several sections thereof, and the sections printed in bourgeois type, form no part of the said statutes, and shall be held to have been inserted for convenience of reference only, and may be omitted or corrected, and any misprint or error, whether of commission or omission, or any contradiction or ambiguity in the said roll may also be corrected, but without changing the legal effect, and such alterations in the language of said statutes as are requisite, in order to preserve a uniform mode of expression, and do not alter the legal effect may be made, and any of the enacting clauses in said statutes may be printed in bourgeois type, and any of the sections in bourgeois type may be printed among the enacting clauses where proper—in the roll hereinafter mentioned.

As to marginal  
notes, mis-  
prints, etc.

Lieutenant-  
Governor may  
cause the legis-  
lation of the  
present  
Session to be  
incorporated  
in the said  
Roll.

2. The Lieutenant-Governor may select such Acts and parts of Acts, passed during the present session, as he may deem it advisable to incorporate with the said statutes contained in the said first mentioned roll, and may cause them to be so incorporated therewith, adapting their form and language to those of the said statutes (but without changing their effect), inserting them in their proper places in the said statutes, striking



striking out of the latter any enactments repealed by or inconsistent with those so incorporated, altering the numbering of the chapters and sections, if need be, and adding to the said schedule A a list of the Acts and parts of Acts of the present session so incorporated as aforesaid.

3. So soon as the said incorporation of such Acts, and parts of Acts, with the said statutes, and the said addition to the said schedule A has been completed, the Lieutenant-Governor may cause a correct printed roll thereof, attested under his signature and countersigned by the Provincial Secretary, to be deposited in the office of the Clerk of the Legislative Assembly, which roll shall be held to be the original thereof, and to embody the several Acts, and parts of Acts, mentioned as repealed in the amended schedule A thereto annexed; any marginal notes, however, and headings in the body of the Act and references to former enactments, and sections printed in bourgeois type which may appear thereon, being held to form no part of the said statutes, but to be inserted for convenience of reference only.

Certified Roll including the legislation of the present Session to be deposited and serve as the original thereof.

4. The Lieutenant-Governor in Council, after such deposit of the said last mentioned roll, may by proclamation declare the day on, from and after which the same shall come into force and have effect as law, by the designation of "The Revised Statutes of Ontario."

Proclamation for bringing the Revised Statutes into force.

5. On, from and after such day, the same shall accordingly come into force and effect as and by the designation of "The Revised Statutes of Ontario," to all intents as though the same were expressly embodied in and enacted by this Act, to come into force and have effect on, from and after such day; and on, from and after the same day, all the enactments in the several Acts and parts of Acts in such amended schedule A mentioned, so far as they relate to this Province, shall stand and be repealed to the extent mentioned in the third column of said schedule A, save only as hereinafter is provided.

On and after day named in Proclamation Statutes to be in force and the enactments embodied in them repealed.  
Exception.

6. Such repeal shall not be construed as intended to extend to such of the provisions of said Acts and parts of Acts as relate to subjects in regard to which the Parliament of Canada has exclusive powers of legislation; but the said Acts and parts of Acts (in so far only as is necessary to give effect to every such provision) shall remain in full force and effect, subject however, to section 9 of this Act.

Repeal not to extend to Acts over which the Dominion Parliament has jurisdiction.

7. The repeal of the said Acts and parts of Acts shall not revive any Act or provision of law repealed by them; nor shall the said repeal prevent the effect of any saving clause in the said Acts and parts of Acts, or the application of any of the said Acts or parts of Acts or of any Act or provision of law formerly

Saving as to transactions, etc., anterior to the repeal.

formerly in force, to any transaction, matter or thing anterior to the said repeal, to which they would otherwise apply.

Certain matters anterior to the repeal not to be affected by it. Penalties, etc.

8—(1) The repeal of the said Acts and parts of Acts shall not affect—

(a.) Any penalty, forfeiture or liability incurred before the time of such repeal, or any proceedings for enforcing the same, had, done, completed or pending at the time of such repeal,—

Actions, etc.,

(b.) Nor any action, suit, judgment, decree, certificate, execution, process, order, rule, or any proceeding, matter or thing whatever respecting the same, had, done, made, entered, granted, completed, pending, existing, or in force at the time of such repeal,—

Acts, deeds, rights, etc.

(c.) Nor any act, deed, right, title, interest, grant, assurance, descent, will, registry, by-law, rule, regulation, contract, lien, charge, matter or thing, had, done, made, acquired, established or existing at the time of such repeal,—

Offices, etc.

(d.) Nor any office, appointment, commission, salary, allowance, security, duty, or any matter or thing appertaining thereto, at the time of such repeal,—

Marriages, etc.

(e.) Nor any marriage, certificate or registry thereof, lawfully had, made, granted or existing before or at the time of such repeal,—

And other matters, etc.

(f.) Nor shall such repeal defeat, disturb, invalidate or prejudicially affect any other matter or thing whatsoever, had, done, completed, existing or pending at the time of such repeal ;

But the same shall remain valid, etc.

(2.) But every such

Penalty, forfeiture and liability, and every such

Action, suit, judgment, decree, certificate, execution, prosecution, order, rule, proceeding, matter or thing, and every such

Act, deed, right, title, interest, grant, assurance, descent, will, registry, by-law, rule, regulation, contract, lien, charge, matter or thing, and every such

Office, appointment, commission, salary, allowance, security and duty, and every such

Marriage, certificate and registry thereof, and every such other matter and thing, and the force and effect thereof, respectively

And may be enforced, etc. and under what laws.

may and shall, remain and continue as if no such repeal had taken place, and so far as necessary, may and shall be continued,



tinued, prosecuted, enforced and proceeded with under the said Revised Statutes and other the statutes and laws having force in this Province, so far as applicable thereto, and subject to the provisions of the said several statutes and laws.

9.—(1.) The said Revised Statutes shall not be held to operate as new laws, but shall be construed and have effect as a consolidation of the law as contained in the said Acts and parts of Acts so repealed, and for which the said Revised Statutes are substituted, and the Legislature is not to be deemed to have adopted the construction which may by judicial decision, or otherwise, have been placed upon the language of any of the statutes included amongst the said Revised Statutes.

Revised Statutes not to be deemed new laws.

(2.) The various provisions in the Revised Statutes corresponding to and substituted for the provisions of the Acts and parts of Acts so repealed, shall, where they are the same in effect as those of the Acts and parts of Acts so repealed, be held to operate retrospectively as well as prospectively, and to have been passed upon the days respectively upon which the Acts and parts of Acts so repealed came into effect.

How construed where the same in effect as the repealed Acts.

(3.) If upon any point the provisions of the said Revised Statutes are not in effect the same as those of the repealed Acts and parts of Acts for which they are substituted, then as respects all transactions, matters and things, subsequent to the time when the said Revised Statutes take effect, the provisions contained in them shall prevail, but as respects all transactions, matters and things anterior to the said time, the provisions of the said repealed Acts and parts of Acts shall prevail.

How construed if in any case they differ from the repealed Acts

10. Any reference in any former Act remaining in force, or in any instrument or document, to any Act or enactment so repealed, shall, after the Revised Statutes take effect, be held, as regards any subsequent transaction, matter or thing, to be a reference to the enactments in the Revised Statutes having the same effect as such repealed Act or enactment.

As to references to repealed Acts in former Acts, etc.

11. The insertion of any Act in the said schedule A shall not be construed as a declaration that such Act or any part of it was or was not in force immediately before the coming into force of the said Revised Statutes.

As to effect of insertion of an Act in schedule A.

12. Copies of the said Revised Statutes, printed by the Queen's Printer from the amended roll so deposited, shall be received as evidence of the said Revised Statutes in all Courts and places whatsoever.

Copies printed by Queen's Printer to be evidence.

13. The laws relating to the distribution of the printed copies of the Statutes shall not apply to the said Revised Statutes, but the same shall be distributed in such numbers and to such persons only as the Lieutenant-Governor in Council may direct.

As to distribution of copies.

This Act to be  
printed with  
Revised  
Statutes.

**14.** This Act shall be printed with the said Revised Statutes, and shall be subject to the same rules of construction as the said Revised Statutes.

How they may  
be cited.

**15.** Any chapter of the said Revised Statutes may be cited and referred to in any Act or proceeding whatever, either by its title as an Act, or by its short title, or by using the expression "The Revised Statute respecting—" (adding the remainder of the title given at the beginning of the particular chapter), or by using the expression "The Revised Statutes of Ontario 1887, chapter " (adding the number of the particular chapter in the copies printed by the Queen's Printer.)

### CHAPTER 3.

An Act to further amend the Act relating to the erection of New Provincial Buildings.

[Assented to 23rd April, 1887.]

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

43 V. c. 2 and  
48 V. c. 6,  
amended.

**1.** The Act passed in the forty-third year of Her Majesty's reign, chaptered 2, and intituled *An Act to provide for the Erection of new Buildings for the accommodation of the Provincial Legislature and the Public Departments*, as the same is amended by chapter 6 of the Acts passed in the forty-eighth year of Her Majesty's reign, is hereby further amended by omitting therefrom the word "seven" wherever the same occurs in the said Act as so amended, and inserting instead thereof the word "ten."

### CHAPTER 4.

An Act to amend the Act respecting the Taxation of Patented Lands in Algoma.

[Assented to 23rd April, 1887.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Discount on  
arrears.

**1.** The Treasurer, in advertising any lands for sale for arrears of taxes, during the present year, 1887, may include in the usual notice of such sale in the *Ontario Gazette* and local newspaper,

newspaper, a notice that a discount of thirty per cent. will be allowed on such of the said sums in arrear as shall be paid on a day prior to such sale to be named in such notice; and the Treasurer is hereby empowered to allow the said discount on payments so made. The same discount may also be allowed by the Treasurer upon any arrears upon lands liable for sale during the year 1887, if paid prior to being advertised.

2. In addition to the annual tax of one cent per acre provided by *The Act respecting the Taxation of Patented Lands in Algoma*, as amended by the Act passed in the 49th year of Her Majesty's reign, chapter 5, a further tax of one cent an acre shall be imposed upon all unoccupied lands embraced in any school section formed under the authority of section 41 of *The Public Schools Act*, in the district of Algoma as the said district is defined by section 2 of the said Act passed in the 49th year of Her Majesty's reign, and for the information of the Treasurer in charging such tax upon the lands liable therefor, the secretary or secretary-treasurer of the school board shall, on the formation of a school section in any unorganized township, give written notice thereof to the Provincial Treasurer, and shall yearly, on or before the first day of August, furnish him with a list of all the lands embraced in the said school section, distinguishing such as are occupied from those that are unoccupied, and the said additional tax shall when collected be paid over annually to the trustees of the respective school sections in which such land is situate. No land so returned as unoccupied by the secretary-treasurer of the school board shall be subject to any school rates imposed by the trustees in the year in which they are so returned.

School tax on  
unoccupied  
lands.

3. The said additional tax hereby imposed shall be subject to all the conditions as to penalty for default and provisions for collection as the one cent per acre imposed by section 1 of *The Act respecting the taxation of Patented Lands in Algoma*.

Collection of  
additional tax.

4. Section 6 of the said Act is amended by substituting the word "after" for the word "on" in the second line, and by striking out the words "on or before the first day of July," and inserting in lieu thereof, "between the first day of October and the thirty-first day of December."

R. S. O. c. 22,  
s. 6, amended.

5. Section 7 of the said Act is amended by inserting after the word "shall" in the seventh line, the words "between the first day of October and the thirtieth day of December."

s. 7, amended.



## CHAPTER 5.

## An Act to amend the Act respecting the Clergy Reserves.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O. c. 28, s. 1, amended. **1.** Section 1 of *The Act respecting the Clergy Reserves* is amended by inserting after the words, “after deducting therefrom” in the fourth line the words, “any sums chargeable against said fund, and”

R. S. O. c. 28, s. 3, repealed. **2.** Section 3 of the said Act is hereby repealed and the following substituted in lieu thereof:

Yearly apportionment of unappropriated balance of municipalities fund. The amount of the Municipalities Fund remaining unexpended and unappropriated under the foregoing provisions, on the thirty-first day of December in each year, shall be added to the amount voted by the Legislature for the support of Public and Separate schools for the succeeding year, and shall by the Minister of Education be included in the distribution of the Legislative grant to the several municipalities, as provided by section 137 of *The Public Schools Act*.

R. S. O. c. 28, ss. 4-8, repealed. **3.** Sections 4, 5, 6, 7 and 8 of the said Act are hereby repealed.

## CHAPTER 6.

## An Act respecting Interest on Drainage Loans to Municipalities by the Province of Ontario.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

46 V. c. 18, s. 570 (2), amended. **1.** Sub-section 2 of section 570 of *The Consolidated Municipal Act, 1883*, is hereby amended by striking out the words “five per centum,” in the eighth line of the said sub-section, and substituting the words “four per centum” in lieu thereof.

**2.**

2. Section 4 of *The Ontario Tile Drainage Act* is hereby amended by striking out the words "eight dollars" in the fourth line of the said section and substituting the words "seven dollars and thirty-six cents" in lieu thereof. 41 V. c. 9, s. 4, amended.

3.—(1) The rate of interest to be paid by municipalities on all public moneys heretofore advanced for drainage works or invested in the purchase of drainage debentures, whether the advance was made under *The Ontario Drainage Act*, or under *The Ontario Municipal Drainage Act*, or under *The Ontario Tile, Stone and Timber Drainage Acts*, shall, from and after the first day of January, 1887, be four per cent. per annum instead of five per cent. as heretofore, and from and after the said date the rate of interest allowed on sums paid on account of or standing at the credit of the sinking fund of any of the said advances or debentures shall be computed at the rate of four per cent. instead of five per cent. Reduction of rate of interest on advances and loans under R. S. O. cc. 33 & 34 and under 41 V. c. 9.

(2) This Act shall not apply to cases where the sum paid on account of principal or at the credit of the sinking fund is of such an amount that the reduced rate would have the effect of increasing instead of diminishing the payments required to liquidate the amount due.

4. The Provincial Treasurer shall cause a calculation to be made in regard to all advances or loans now current as aforesaid, shewing, according to the reduced rates of interest hereby provided, at what period the same will be liquidated by the annual payments provided by existing municipal by-laws, and shall send to the Clerk of each indebted municipality notice of the number of annual payments which will be required hereafter in accordance with the provisions of this Act. Notice as to future payments to be given.

5. The provisions of this Act shall not apply to any municipality, which on the passing of this Act is in arrears for instalment of principal or interest due to the Province prior to the first day of January, 1886, but if the said arrears are settled before the 31st day of December, 1887, then the provisions of this Act shall be extended to, and shall apply to such municipality. Application of Act.

6. Subject to the provisions of *The Ontario Municipal Drainage Aid Act*, the Lieutenant-Governor in Council may from time to time invest a further sum not exceeding \$100,000 in the purchase of debentures issued by municipalities for drainage works, and section 5 of the said Act is amended by inserting the words "three hundred and fifty" in lieu of "two hundred and fifty" in the fourth line of the said section. R. S. O. c. 34, s. 5, (42 V. c. 7, s. 1) amended.



## CHAPTER 7.

## An Act for further Improving the Law.

[Assented to 23rd April, 1887.]

Preamble.

WHEREAS, in view of the new consolidation of the Statute Law of this Province, it is expedient to amend by this Act certain Statutes herein mentioned ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as *The Statute Amendment Act, 1887.*

R. S. O. c. 1,  
amended.

2.—(1) *The Interpretation Act* is amended by inserting in section 8, sub-section 16, after the word “successors” the words “Dominion Day.”

(2) Also by inserting the following additional sub-sections :

Computation  
of time.

16*a.* If the time limited by an Act for any proceeding, or for the doing of anything under its provisions, expires or falls upon a holiday, the time so limited shall extend to, and such thing may be done on, the day next following which is not a holiday.

Who may ad-  
minister and  
certify to  
oaths.

17*a.* Where by an Act of the Legislature of this Province, or by a rule of the Legislative Assembly, or by an order, regulation or commission made or issued by the Lieutenant-Governor in Council, under a law authorizing him to require the taking of evidence under oath, an oath is authorized or directed to be made, taken or administered, the oath may be administered, and a certificate of its having been made, taken or administered may be given, by any one named in the Act, rule, order, regulation or commission, or by a Judge of any Court, a notary public, justice of the peace, or commissioner for taking affidavits, having authority or jurisdiction in the place where the oath is administered.

R. S. O. c.  
10, s. 197,  
amended.

3. *The Election Act* is amended by inserting after the words “by reason of” in the first line of section 197, the following words: “any irregularity in any of the proceedings preliminary to the polling, or by reason of.”

R. S. O. c. 16,  
s. 1, amended.

4. *The Act respecting the office of sheriff,* is amended by inserting the following as sub-sections to section 1 :

(2) The Lieutenant-Governor may, in manner aforesaid, at any time hereafter, and from time to time, appoint one fit and proper person to be sheriff of the county of York, and another

another fit and proper person to be sheriff of the city of Toronto, every such sheriff to hold office during pleasure.

(a) In such case the Lieutenant-Governor in Council may define what duties with reference to Courts held jointly for the city and county, including any duties to be performed under *The Jurors' Act*, shall be performed by the sheriffs of the city and county respectively.

(b) No act done by either of the said sheriffs by mistake shall be held unlawful or invalid on the ground that the same should have been done by the other.

(3) Nothing in this section contained shall prevent the deputy of the late sheriff of York, or the successor of such sheriff, from proceeding upon and completing the execution or service within the city of Toronto of any writ of mesne or final process in the hands of such deputy, acting as sheriff, or of the successor of the said sheriff, at the time this Act takes effect, or of any renewal thereof, or of any subsequent or supplemental writ in the same cause, or in case of executions against lands from executing all necessary deeds and conveyances relating to the same, and the act of such deputy or the successor of the said sheriff, shall be legal and valid in the same manner and to the same extent as if this section had not been passed but no further.

(4) This section shall not take effect until an appointment of a sheriff for the city of Toronto has been made and the sheriff has taken the requisite oath of office except so far as it authorizes the Lieutenant-Governor to make the appointment and except so far as is requisite to permit and authorize the doing of any act necessary to be done before the said sheriff can assume the duties of his office.

5. The said Act is further amended by inserting therein the following provision:—

R. S. O. c. 16,  
amended.

Where, for the purpose of investigating or establishing some title to land, a certificate respecting executions against lands is required from a sheriff, the sheriff if so requested, shall include in one certificate any number of names in respect of which the certificate may be required in the same matter or investigation.

Certificate as  
to executions.

(2) The maximum fees payable to a sheriff in respect to such certificate shall be \$4.

6. The following is substituted for section 20 of *The Ontario Petition of Right Act*:—

R. S. O. c.  
59, s. 20,  
repealed.

Nothing in this Act contained shall prevent any suppliant from proceeding as before the passing of this Act; nor entitle a subject to proceed by petition of right in any case in which he would not be so entitled under the Acts heretofore passed by the Parliament of the United Kingdom.

R. S. O. c. 66,  
s. 14 amended.

**7.** *The Act respecting Writs of Execution*, section 14, is amended by adding thereto the following sub-section :—

(3). Where the writ against the lands is issued in the same suit in which the writ of attachment under *The Act respecting Absconding Debtors* had been issued, the Court or a Judge may order the sheriff to sell the lands before the expiration of the twelve months, subject to the provisions contained in section 41 of this Act.

R. S. O. c.  
91, s. 10,  
repealed.

**8.** *The Act to provide for the better government of that part of Ontario situated in the vicinity of the Falls of Niagara* is amended by striking out section 10.

Transfer of  
real property.  
R. S. O. c. 98.

**9.** *The Act respecting the Transfer of Real Property* is amended by inserting therein the following section :

Person to  
whom a power  
is given may  
release or  
contract not  
to exercise  
same,

**5a.** A person to whom a power, whether coupled with an interest or not, is given may by deed release, or contract not to exercise, the power, whether the power was created by an instrument coming into operation before or after the commencement of this Act.

Life insurance  
policies.  
R. S. O. c. 107.

**10.** *The Act respecting Trustees and Executors and the Administration of Estates* is amended by inserting therein the following section :

Payment to  
personal  
representative  
place of at  
domicile.

Where, under a policy of life insurance issued by an insurance company whose head office is in this Province, the money is payable to the representatives of a person who at the time of his death was domiciled or resident in any part of the Dominion of Canada other than Ontario, or in the Province of Newfoundland, and no person has become his personal representative in this Province, the money may, after the expiration of two months, be paid to the personal representative appointed by the Court of the Province in which the deceased was resident or domiciled at the time of his death: provided it appears upon the probate or letters of administration, or other like document of such Court, or by a certificate of the Judge under the seal of the Court, that it had been shewn to the satisfaction of the Court that the deceased at the time of his death was domiciled or resident at some place within the jurisdiction of such Court.

Proviso.

(2). This section applies to policies heretofore issued as well as to policies to be issued hereafter, and whether the death has occurred before the passing of this Act or not.

R. S. O. c. 107,  
s. 31, repealed.

**11.** Section 31 of *The Act respecting Trustees and Executors and the Administration of Estates* is repealed, and the following is substituted therefor :

If claim is  
rejected an  
action must

In case the executor or administrator gives notice in writing [referring to this section and of his intention to avail



avail himself thereof] to any creditor or other person of whose claims against the estate he has notice, or to the attorney or agent of such creditor or other person, that he the executor or administrator rejects or disputes the claim, it shall be the duty of the claimant to commence his action in respect of the claim within six months after the notice is given, in case the debt or some part thereof was due at the time of the notice, or within six months from the time the debt or some part thereof falls due if no part thereof was due at the time of the notice, and in default the claim shall be forever barred: provided always that in case the claimant shall be nonsuited at the trial the claimant, or his executors or administrators, may commence a new action within a further period of one month from the time of the nonsuit.

be brought  
within a cer-  
tain period or  
be barred.

Proviso.

12. Section 44 of *The Act respecting Joint Stock Companies* R. S. O. c. 153, for the construction of works to facilitate the transmission of timber down rivers and streams, is amended by adding after the word "situate" in the twelfth line thereof, the words following:—"as arbitrator for such owner or occupier so neglecting to name an arbitrator after having been duly notified by the company as aforesaid, or as third arbitrator, or as arbitrator," and by cancelling the following words, "to act in the place of the arbitrator so refusing or neglecting."

s. 44,  
amended.

13. *The Registry Act* is amended by inserting the following: R. S. O. c. 111.

66a.—(1) Any instrument which has been registered by memorial prior to the first day of January, 1886, and has endorsed thereon a certificate of the registration thereof, may be re-registered at full length in the same or any other registry division by the production of the original instrument and the deposit of a copy thereof with an affidavit verifying the copy.

Registration  
of instruments  
in full when  
memorial  
previously  
registered.

(2) In re-registering such instrument the registrar shall copy the affidavit of verification and the certificate of former registration, and shall write in the margin of the registry book the words "Original not deposited," and where the former registration was made in the same office, the registrar shall write upon the entry of the memorial in the registry book a memorandum as follows:—"Re-registered in full at No."—, giving a reference to the number and volume where the full registration is entered, and he shall also note the re-registration in red ink wherever in an abstract index the memorial is entered.

(3) The registrar shall also endorse upon the original instrument a certificate of the re-registration, in a form similar to the certificate of registration given in schedule G to this Act.

(4.) Section 1 of the Act 49 Victoria, chapter 24, entitled 49 V. c. 24, s. 1, repealed.  
"An Act to amend *The Registry Act*" is hereby repealed.

47 V. c. 20, s.  
6 repealed.

**14.** Section 6 of *The Act to secure to Wives and Children the benefit of Life Insurance* is repealed, and the following substituted therefor :—

Insured may  
make and  
alter appor-  
tionment.

6—(1) The insured may by an instrument in writing attached to or endorsed on, or identifying the policy by its number or otherwise, vary an apportionment previously made, so as to extend the benefits of the policy to the wife or the children, or to one or more of them, although the policy is expressed to be for the benefit of the wife alone, or for the child or children alone, or although a prior declaration was so restricted; and he may also apportion the insurance money among the persons intended to be benefited; and may, from time to time, by an instrument in writing attached to or endorsed on the policy or referring to the same, alter the apportionment as he deems proper; he may also, by his will, make or alter the apportionment of the insurance money; and an apportionment made by his will shall prevail over any other made before the date of the will, except so far as such other apportionment has been acted on before notice of the apportionment by the will.

(2) This section applies to policies heretofore issued, as well as to future policies.

R. S. O. c. 180,  
s. 12 (4),  
amended.

**15.** Sub-section 4 of section 12 of *The Assessment Act* is amended by adding the following words to the particulars which the assessor is required to set down in column 4 :—“ But where any person being a landholder’s son is also within the meaning of *The Municipal Act*, a ‘ farmer’s son,’ the assessor shall, instead of the letters ‘ L. S.,’ insert in the assessment roll the letters ‘ L. and F. S.’ ”

Cemetery  
Companies.

R. S. O. c. 170;  
43 V. c. 23.

**16.** *The Act respecting Cemetery Companies*, and *The Act respecting the Incorporation of Cemetery Companies by Letters Patent*, are amended by inserting therein respectively, the following section :

(1) In the case of an incorporated village, a cemetery within the village may be established by the company where it appears to the satisfaction of the Lieutenant-Governor in Council that from the extent of territory included in the village a cemetery may safely be established therein, and that the municipal council and local board of health of the village approve thereof, and that in the opinion of the Provincial Board of Health the proposed cemetery may under all the circumstances be safely permitted.

(2) The expenses of the Provincial Board of Health in the matter shall be paid by or on behalf of the applicants.

R. S. O. c. 201,  
s. 3, amended.

**17.** Section 3 of chapter 201 of the Revised Statutes is hereby amended by adding after the word “ jays ” in the eleventh line the words “ English sparrows.”

**18.** Section 4 of the said Act is hereby amended by adding after the word "jays" in the fourth line the words "English sparrows." R. S. O. c. 201,  
s. 4, amended.

**19.** *The Act respecting Municipal Assessments and Exemptions* is amended by adding to section 5, the following words: "And continues in respect of such officers only as were appointed before that date." 43 V. c. 27,  
s. 5, amended.

**20.** *The Act to amend the Law respecting the Registration of Births, Marriages and Deaths* is amended by inserting after the word "township" the words "town or incorporated village" in the fourth line of section 1. 44 V. c. 4, s. 1,  
amended.

**21.** *The Married Women's Property Act, 1884*, shall not be construed to deprive a woman married prior to the commencement of said Act of any right or privilege which she had at the time of the commencement of the Act, or would afterwards have if that Act had not been passed. Married  
women.  
47 V. c. 19.

**22.** The said Act is further amended by inserting the following section:— 47 V. c. 19  
amended.

Every married woman, whether married before or after the passing of this Act, shall be entitled to have and hold as her separate property, and to dispose of as her separate property, the wages, earnings, money and property gained or acquired by her in any employment, trade or occupation in which she is engaged or carries on, and in which her husband has no proprietary interest, or gained or acquired by the exercise of any literary, artistic or scientific skill. Earnings of  
married  
women.

**23.** Every conveyance made since the 29th day of March, 1873, or which shall hereafter be made by a married woman of or affecting her real estate which her husband signed or executed or shall sign or execute is and shall be taken and adjudged to be valid and effectual, to have passed or to pass the estate which such conveyance professed or shall profess to pass of such married woman in said real estate. Validity of  
conveyances  
made since  
March 29th,  
1873.

**24.** Nothing in this Act contained shall render valid any conveyance to the prejudice of any title lawfully acquired from any married woman prior to the passing of this Act, nor render valid any conveyance from the married woman not executed in good faith or any conveyance of any land, of which the married woman, or those claiming under her, is or are in actual possession or enjoyment contrary to the terms of such conveyance, or affect any action or proceeding now pending. Certain titles  
not to be  
prejudiced.

**25.** The Legislature shall not be deemed by either of the preceding two sections to declare or imply any construction of Preceding two  
sections not to  
of



affect construction of any statute.

of any statute heretofore passed, as affecting the matters mentioned in the said sections or either of them, or any other matters relating to the rights or powers of married women.

Industrial Schools.  
47 V. c. 46.

**26.** The Act entitled *An Act to amend and Consolidate the Acts respecting Industrial Schools* is amended by inserting after the word "dollar" the words "and fifty cents" in sections 22 and 25 respectively.

47 V. c. 4,  
sched. 1  
amended.

**27.** *The Election Law Amendment Act, 1884*, first schedule, line nine of the resident householders' oath is amended by substituting for the words "resident of this electoral district" the words "resident within the territory included in this electoral district."

47 V. c. 4,  
sched. 2  
amended.

**28.** The second schedule of the same Act, lines ten and eleven of the resident owners' oath, is amended by substituting for the words "resident of this electoral district" the words "resident within the territory included in this electoral district."

48 V. c. 2, s. 14,  
amended.

**29.** *The Franchise and Representation Act, 1885*, is amended by introducing into section 14, before the word "Algoma," in the eighth line, the words "South, Centre, and North Bruce and"

48 V. c. 13,  
s. 23 amended.  
County Court  
appeals.

**30.** *The Administration of Justice Act, 1885*, chapter 13 section 23, is amended by striking out all the words after the word "or" in the sixth line, and substituting the following sub-section:—

(2) Instead of appealing to the Court of Appeal either party may, in cases tried by a Judge, move before the County Court within the first two days of its next quarterly sittings, for a new trial, or to set aside the judgment on any ground except that upon the evidence given the judgment, so directed, is wrong in law.

(3) In cases tried with a jury, instead of appealing to the Court of Appeal, a similar motion may be made before the County Court for a new trial, or to set aside the judgment directed to be entered upon the special findings of the jury upon any ground except that the judgment so directed to be entered is wrong in law.

(4) Either party may appeal to the Court of Appeal from the judgment of the County Court upon applications under sub-sections 2 and 3.

(5) Where a party is entitled to move before the County Court under sub-sections 2 and 3, he may move before the said Court upon all grounds which would be open to him if he were appealing to the Court of Appeal.

**31.** *The Act to Amend the Franchise and Representation Act, 1885*, schedule, form 19, is amended by inserting after the words "resident of" the words "the territory included in." 49 V. c. 3, form 19 amended.

**32.** Section 86 of *The Agriculture and Arts Act* is amended by inserting after the word "District," in the fourth line, the words "or Township." 49 V. c. 11, s. 86, amended.

**33.** *The Statute Amendment Act, 1886*, is amended by inserting in section 23, after the word "wrong" in the eighteenth line, the words "The action shall be brought at latest within one year after the decease." 49 V. c. 16, s. 23 amended.

**34.** A person entitled to take out letters of administration to the estate of a deceased person is entitled to take out such letters limited to the personal estate of the deceased, exclusive of the real estate. Limited administration.

**35.** In the case of a person dying after the first day of July, 1886, his personal representative for the time being shall, in the interpretation of any statute of this Province, or in the construction of any instrument to which the deceased was a party or in which he was interested, be deemed in law his "heirs and assigns," unless a contrary intention appears. "Heirs and assigns" to include personal representative.

**36.** As against creditors of any mortgagor or person in possession of mortgaged premises under a mortgagor, the right, if any, to distrain upon the mortgaged premises for arrears of interest or for rent, in the nature of or in lieu of interest under the provisions of any mortgage to be hereafter executed, shall be restricted to one year's arrears of such interest or rent, but this restriction shall not apply unless some one of such creditors shall be an execution creditor, or unless there shall be an assignee for the general benefit of such creditors appointed before lawful sale of the goods distrained, nor unless the officer executing such writ of execution, or such assignee shall, by notice in writing to be given to the person distraining, or his attorney, bailiff, or agent, before such lawful sale, claim the benefit of the said restriction, and in case such notice is so given, the distrainor shall relinquish to the officer or assignee the goods distrained, upon receiving one year's arrears of such interest or rent and his reasonable costs of distress, or if such arrears and costs shall not be paid or tendered he shall sell only so much of the goods distrained as shall be necessary to satisfy one year's arrears of such interest or rent and the reasonable costs of distress and sale, and shall thereupon relinquish any residue of goods, and pay any residue of moneys, proceeds of goods so distrained, to the said officer or assignee. Mortgagee's right of distress limited.

**37.** Any officer executing a writ of execution, or an assignee who shall pay any money to relieve goods from distress Reimbursement of officer or assignee.

tress under the next preceding section, shall be entitled to reimburse himself therefor out of the proceeds of the sale of such goods.

Notice of sale. **38.** Goods distrained for arrears of interest or rent, as aforesaid, shall not be sold except after such public notice as is now required to be given by a landlord who sells goods distrained for rent.

## CHAPTER 8.

An Act to give early effect to certain amendments of the Law recommended by the Statute Commissioners.

*[Assented to 23rd April, 1887.]*

Preamble.

**W**HEREAS it has again been found expedient to revise and consolidate the Public General Statutes which apply to this Province, and are within the authority of its Legislature; and whereas such revision and consolidation have been made accordingly, by commissioners appointed for this purpose, and among amendments which the commissioners have recommended to go into effect with the body of statutes as so consolidated and revised, there are some which it is expedient to bring into force at once;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Acts amended as stated in schedule.

**1.** The Acts and parts of Acts set forth in the left hand columns of the schedule hereto, are hereby amended as stated and set forth in the right hand columns of the schedule, and shall go into force immediately upon the passing of this Act.

Power of judges to make rules varying statutory enactments respecting practice and procedure.

**2.** And whereas it has been found expedient to revise, classify and consolidate the rules of court affecting practice and procedure, and to include therein the statutory enactments affecting practice and procedure and matters in the nature of practice and procedure, and, whereas this work is now in preparation, and whereas most of the said statutory enactments have in consequence been omitted by the commissioners from the statutes as consolidated and revised by them as hereinbefore mentioned, it is hereby declared and enacted (to avoid doubts) that the Judges shall be deemed and construed to have under *The Judicature Act* the same powers of making rules of court in respect of and varying statutory enactments affecting practice and procedure or matters in the nature of practice and procedure, as if the said enactments had been rules in the schedule to *The Judicature Act*, or had derived their authority from rules of court.

SCHEDULE



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ACT.

## SCHEDULE.

SHEWING ACTS AND PARTS OF ACTS AMENDED ON THE RECOMMENDATION OF THE COMMISSIONERS APPOINTED TO CONSOLIDATE AND REVISE THE PUBLIC GENERAL STATUTES OF THE PROVINCE.

*Manner in which the same are hereby Amended.*

R. S. O. c. 10, s. 180. (Election Act.) LINE 3.—By inserting the words “sections 113 and 114 of ” between the words “by” and “this.”

R. S. O. c. 23, s. 29 (1). (Sale of Public Lands.) Repealed and amended by substituting the following: “In case of a patent for land being repealed or avoided by the High Court, the judgment shall be registered in the proper registry office.”

R. S. O. c. 32, s. 7. (Sale of Liquors near Public Works.) LINE 4.—By striking out the words “and it appears” and substituting the words “or if it is proved.”

R. S. O. c. 40, s. 59 (4). (Chancery Act.) LINE 5.—By striking out the words “Registrar for the time being” and substituting the word “Accountant.”

LINES 10, 11—By striking out the words “Judges or.”

R. S. O. c. 43, ss. 10, 11. (County Courts' Act.) Repealed and amended by substituting the following:—

In lieu of terms, the several County Courts shall in each year hold four quarterly sittings, which (except in the County of York), shall commence respectively on the second Monday in the month of January and the first Monday in the months of April, July and October in each year, and end on the Saturday of the same week, unless extended by order of the Judge.

2. The said quarterly sittings of the County Court of the County of York shall commence on the second Monday in January, June and October, and the first Monday in April in each year; and shall end on the Saturday of the same week, unless extended by order of the Judge.

3. It shall not be necessary for the Sheriff or his officers to attend the said quarterly sittings of the County Court.

*Id.* s. 28.

LINES 1 to 4—Amended by striking out all the words of thesection to the word “shall” inclusive, in the fourth line, and substituting the words: “When it is intended by any pleading to bring into question the title to any land, or to any annual or other rent, duty, or other custom or thing, relating to or issuing out of lands or tenements, it shall be so expressly stated in the pleading, nor shall any such pleading.”

By

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R. S. O. c. 47, By inserting the following section after section 64 :—

s. 64.

(Division  
Courts' Act).

**64** (*a.*) In every case where the defendant is a corporation not having its head office in the Province, and the cause of action arose partly in one division and partly in another, the plaintiff may bring his action in either division.

R. S. O. c. 50, Repealed and amended by substituting the following :—

s. 194.

(C. L. P. Act).

"Where the reference is made to the County Judge or the Master in Ordinary (or other officer who is paid by salary), such person shall be entitled to take and receive to his own use the same fees as the Local Masters not paid by salary are entitled to receive upon a reference in an action in the High Court.

*Id.* s. 209.

Amended by adding the following sub-section :—

(2) "In the computation of time in appealing against, or applying to set aside an award, the vacations shall not be counted."

R. S. O. c. 62,  
s. 38. (Evi-  
dence Act.)

LINE 13—By striking out the words "without Canada."

R. S. O. c. 66,  
s. 39.  
(Execution  
Act).

By adding the following sub-section :—

(2) "The right of a married woman to dower shall not hereafter be deemed seizable or saleable under execution before the death of her husband."

R. S. O. c. 84,  
s. 1 (1). (Fees  
of Counsel and  
other Officers).

LINES 1 and 2—By striking out the words "Courts of Queen's Bench and Common Pleas" and substituting the words "Judges authorized to make Rules under sections 111 and 114 of *The Judicature Act.*"

LINE 3—By striking out the word "jointly."

R. S. O. c. 90,  
s. 33. (Un-  
organized  
Territories.)

LINE 5—By striking out the word "pleasure" and substituting the words "good behaviour."

*Id.* s. 47.

LINE 3—By inserting after the word "District" the words "or Provisional County."

R. S. O. c. 101,  
s. 13.  
(Partition Act)

LINE 1—By striking out the word "so" and inserting after the word "appointed" the words "under the preceding section, unless he is the official guardian."

*Id.*

LINES 9 and 10—By striking out the words "the Master or Clerk, or Deputy Clerk, of such Court" and substituting the words "allowed by an officer of the Court to be named in the order."

Repealed

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R.S.O. c. 111, Repealed and amended, as to the first sub-section, by sub-  
s. 82 (1).  
Registry Act).

Where any land is surveyed and sub-divided for the purpose of being sold or conveyed in lots, by reference to a plan which has not been already registered, the person making the sub-division shall file with the Registrar a plan of the land on a scale not less than one inch to every four chains. The plan shall shew the number of the township, town or village lots and range or concession as originally laid out, and all the boundary lines thereof, within the limits of the land shewn on the said plan, and where such plan is a sub-division of a lot or lots on a former plan, it shall shew the numbers or other distinguishing marks of the lot or lots sub-divided and the boundary lines of such lot or lots. The plan shall also shew all roads, streets, lots and commons, within the same, with the courses and widths thereof respectively, and the width and length of all lots and the courses of all division lines between the respective lots within the same, together with such other information as is required to shew distinctly the position of the land being sub-divided.

R.S.O. c. 128, By adding the following section :—  
(Compensation to families of persons killed by accident.)

9. In all cases where the compensation is not apportioned as hereinbefore provided, it shall be referred to a Judge to apportion the same among the parties entitled and to provide for the costs thereof as he may think meet.

R.S.O. c. 138, By adding the following sub-section :—  
s. 6. (Law Society).

(2) The first two mentioned scrutineers, shall be members of the Law Society, but shall not be eligible for election to the office of Benchers, and their names shall be printed on the voting paper to be sent by the Secretary of the Society to each voter.

It. s. 9. By adding the following after section 9 :—

9a. It shall be the duty of the Secretary to send to each member of the Bar whose name is on the alphabetical list or register mentioned in section 17, where his residence is known to the Secretary, one copy of the said form of voting paper applicable to the election then next to be held. Such form shall be sent in such manner and at such time before the holding of the election as may be directed by rule of the Benchers in convocation.

9b. It shall be the duty of the Secretary to send with the said form of voting paper a list of those persons then already Benchers of the Law Society, *ex-officio*, and of those whose term of office is about to expire.

LINE



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R.S.O. c. 175, LINE 2.—By inserting after the word “the” the words  
s. 2. (Municipal Act of “District Judge in Algoma and in that part of Thunder Bay  
Algoma, etc.) not included within Rainy River, and in Rainy River or any  
other of the said Districts for the.”

R.S.O. c. 181, By inserting as sub-section (3) the following:—“(3) Noth-  
s. 42, as ing in this section shall restrict the sale of methylated alcohol,  
amended by 44 or oil of whiskey or other medicines for cattle or horses.”  
V. c. 27, s. 4. (Liquor  
License Act.)

R.S.O. c. 201, LINE 11—By inserting after the word “pigeons” the word  
s. 3. (Insec- “blackbirds.”  
tivorous  
Birds).

*Ib.* s. 4. LINE 3—By inserting after the word “pigeons” the word  
“blackbirds.”

41 V. c. 4, s. 9, LINES 3 and 4—By inserting the words “or District” after  
(1). (Police the word “County” where it occurs in lines 3 and 4.  
Magistrates).

*Ib.* s. 9 (2). Lines 2 and 3—By inserting after the word “County” the  
words “or Union of Counties or District.”

42 V. c. 4, s. 10 Repealed, and amended by substituting the following for  
(2). (Repres- the original sub-section: (2) In such a case a change of  
entation Act.) residence from one part of the village to another shall not  
deprive a person whose name is on the voters’ list of his  
right to vote; and in the oath to be administered to any such  
person desiring to vote the words “and that you are still  
actually and in good faith a resident of and domiciled within  
this village,” shall be substituted for the words “and are now  
actually and in good faith a resident of and domiciled within  
this electoral district.”

42 V. c. 39, s. LINE 1.—Amended by inserting between the words “County”  
7. (Industrial and “Court” the words “or District.”  
Refuge for  
Girls.)

By inserting the following sub-section after sub-section (2):—

43 V. c. 10, s. (3) Where proceedings are taken by the sheriff or other  
5. (Creditors officer for relief under any provisions relating to interpleader,  
Relief Act.) those creditors only who are parties thereto and who agree to  
contribute *pro rata* (in proportion to the amount of their  
executions) to the expense of contesting any adverse claim,  
shall be entitled to share in any benefit which may be derived  
from the contestation of such claim so far as may be necessary  
to satisfy their executions or certificates. The Court or Judge  
may direct that one creditor shall have the carriage of such  
interpleader proceedings on behalf of all creditors interested,  
and the costs thereof, as between solicitor and client shall be

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a first charge upon any moneys, or goods which may be found by such proceedings to be applicable upon such executions or certificates.

43 V. c. 12, s.  
4. (Unorgani-  
zed Districts)

By adding the following to said section: "And within all other districts now or hereafter to be formed in any part of the unorganized territory in Ontario."

43 V. c. 34, s.  
27. (Reform-  
atory for  
Boys).

LINE 2.—By inserting between the words "County" and "Court" the words "or District."

44 V. c. 5,  
s. 36, as  
amended by  
49 V. c. 16,  
s. 39.  
(Judicature  
Act).

LINE 5—By striking out all the words after the word "no" and substituting the words "further appeal shall lie to the Court of Appeal from the Divisional Court unless by special leave of the said Court or of the Court of Appeal."

46 V. c. 18,  
s. 79, (1).  
(Municipal  
Act).

LINE 8—By striking out the words "or in the right of their wives," and substituting the words "(or, in the case of married men held by their wives)."

*Ib.*

*Firstly*—LINE 1—By striking out all the words of the paragraph after the word "are" and substituting the words "in their own right or whose wives are at the date of the election freeholders of the municipality."

*Ib.*, s. 79, (5)

LAST PARAGRAPH OF SUB.-SEC. 5, LINES 1 AND 2—By striking out the words "proprietor in his own right, or in the right of his wife" and substituting the words "a person who is proprietor in his own right, or whose wife is proprietor in her own right."

*Ib.*, s. 264.

LINE 3—By striking out the word "Secretary" and substituting the words "Treasurer or to any other official appointed by the Lieutenant-Governor in Council for the purpose."

*Ib.*, s. 436 (1).

By repealing same and substituting the following:—

436.—(1) The Commissioners shall have power to summon and examine witnesses on oath on all matters connected with the administration of their duties, and they shall have the same power to enforce the attendance of such witnesses, and to compel them to give evidence as is vested in any Court of law in civil cases: a notice to attend before the Board shall be sufficient, if signed by the Chairman of the Board, or any one of the Commissioners.

(2) No party or witness shall be compelled to answer any question by his answer to which he might render himself liable to a criminal prosecution.

(3) A majority of the Board shall constitute a quorum, and the acts of a majority shall be considered acts of the Board.

LINE

CHAPTER AND  
SUBJECT OF  
ACT.

48 V. c. 2, s.  
10 (12). (Re-  
presentation  
Act).

LINE 5—By striking out the words “Electoral District of Cornwall and Stormont” and substituting the words “County of Stormont.”

48 V. c. 2,  
sched. Form  
18. (Election  
Act).

By striking out the second paragraph of the Form of Oath and substituting the following:—“That you are actually and in good faith a resident of and domiciled within this Electoral District”; and by inserting the following after paragraph (3) at the foot of the said form: “(4) Where the voter is a HOUSEHOLDER, add, and have resided therein continuously since the completion of the last revised assessment roll of this municipality.”

49 V. c. 49, s.  
1. (Industrial  
Refuge for  
Girls).

LINE 1 of paragraph 19 (1)—By inserting between the words “County” and “Court” the words “or District.”

## CHAPTER 9.

### An Act respecting the Law of Libel.

*[Assented to 23rd April, 1887.]*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O. c. 56,  
s. 4, amended.

1. Section 4 of chapter 56 of the Revised Statutes of Ontario is hereby amended by adding thereto the following subsection:

Notice of  
action.

(2) No such action shall lie unless and until the plaintiff has given to the defendant notice in writing, specifying the statements complained of, such notice to be served in the same manner as a plaintiff's statement of claim is served or by delivering the notice to some grown-up person at the place of business of the defendant. The plaintiff shall recover actual damages only, if it appears on the trial of the action, that the article was published in good faith, and that there was reasonable ground to believe that the same was for the public benefit, and if it did not involve a criminal charge, and if it appears that the publication took place in mistake or misapprehension of the facts, and that a full and fair retraction of any statement therein alleged to be erroneous was published either in the next regular issue of the newspaper, or other periodical publication aforesaid, or in any regular issue thereof published within three days after the receipt of such notice, and

Damages  
restricted.



and was so published in as conspicuous a place and type as was the article complained of,

- (a) Provided, however, that the provisions of this Act shall not apply to the case of any libel against any candidate for a public office in this Province, unless the retraction of the charge is made editorially in a conspicuous manner, at least five days before the election.

2. The words "a public meeting" in section 3 of *The Newspaper Libel Act, 1882*, shall extend to any lawful meeting to which the public are invited, and of which announcement has been made by printed or written notice thereof being posted up in at least six conspicuous places in the municipality where the meeting is held, or by advertisement in a public newspaper published in such municipality, or if there be none published therein then in the one published nearest to the place of meeting.

Meaning of "public meeting" in 45 V. c. 9, s. 3.

3. All reports of proceedings in any Court of Justice, published in any public newspaper or other periodical publication, shall be privileged, provided that they are fair and authentic and without comments, unless the defendant has refused or neglected to insert in the newspaper in which the report complained of appeared a reasonable letter or statement of explanation or contradiction, by or on behalf of such plaintiff.

Reports of proceedings in Courts privileged.

4.—(1) In any action brought for libel contained in any public newspaper or periodical publication, the defendant may, at any time after the filing of the statement of claim, apply to the Court or a Judge for security for costs, upon notice and an affidavit by the defendant or his agent, shewing the nature of the action and of the defence, and shewing that the plaintiff is not possessed of property sufficient to answer the costs of the action in case a verdict or judgment be given in favour of the defendant, and that the defendant has a good defence upon the merits and that the statements complained of were published in good faith, or that the grounds of action are trivial or frivolous; and the Court or Judge in its or his discretion may make an order that the plaintiff shall give security for the costs to be incurred in such action, and the security so ordered shall be given in accordance with the practice in cases where a plaintiff resides out of the Province, and such order shall be a stay of proceedings in the action until the proper security is given as aforesaid.

Security for costs.

- (a) But where the alleged libel involves a criminal charge the defendant shall not be entitled to security for costs under this Act, unless he satisfies the Court or Judge that the action is trivial or frivolous, or that the several circumstances, which under said sub-section 2 of section 4 of said chapter 56 of the

Revised

Revised Statutes entitle the defendant at the trial to have the damages restricted to actual damages appear to exist, except the circumstance that the article complained of involves a criminal charge.

(2) For the purposes of this section the plaintiff or the defendant or their agents may be examined upon oath at any time after the statement of claim has been filed.

Place of trial. **5.** Every action for libel contained in any public newspaper or other periodical publication, shall be tried in the county where the chief office of such newspaper or periodical is, or in the county wherein the plaintiff resides at the time the action is brought; but upon the application of either party the Court or a Judge may direct the issues to be tried or the damages to be assessed in any other county if it be made to appear to be in the interests of justice, or that it will promote a fair trial, and may impose such terms as to payment of witness fees, and otherwise as may seem proper.

Application of Act. **6.** This Act shall not apply to pending actions, suits or proceedings.

## CHAPTER 10.

### An Act relating to Exemptions from Seizure under Execution.

[Assented to 23rd April, 1887.]

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows :—

R. S. O. c. 66, s. 2 repealed. **1.** Section 2 of *The Act respecting Writs of Execution* is hereby repealed, and the following substituted therefor:

Chattels exempt from seizure. **2.** The following chattels are hereby declared exempt from seizure under any writ, in respect of which this Province has legislative authority, issued out of any Court whatever, in this Province, namely:

Bedding. **1.** The bed, bedding and bedsteads (including a cradle), in ordinary use by the debtor and his family;

Apparel. **2.** The necessary and ordinary wearing apparel of the debtor and his family;

Furniture. **3.** One cooking stove with pipes and furnishings, one other heating stove with pipes, one crane and its appendages, one pair of andirons, one set of cooking utensils, one pair of tongs and shovel, one coal scuttle, one lamp, one table, six chairs, one

one washstand with furnishings, six towels, one looking glass, one hair brush, one comb, one bureau, one clothes press, one clock, one carpet, one cupboard, one broom, twelve knives, twelve forks, twelve plates, twelve tea cups, twelve saucers, one sugar basin, one milk jug, one tea pot, twelve spoons, two pails, one wash tub, one scrubbing brush, one blacking brush, one wash board, three smoothing irons, all spinning wheels and weaving looms in domestic use, one sewing machine and attachments in domestic use, thirty volumes of books, one axe, one saw, one gun, six traps, and such fishing nets and seines as are in common use, the articles in this subdivision enumerated, not exceeding in value the sum of \$150 ;

4. All necessary fuel, meat, fish, flour and vegetables, actually provided for family use, not more than sufficient for the ordinary consumption of the debtor and his family for thirty days, and not exceeding in value the sum of \$40 ; Fuel and provisions.

5. One cow, six sheep, four hogs, and twelve hens, in all not exceeding the value of \$75, and food therefor for thirty days, and one dog ; Animals.

6. Tools and implements of or chattels ordinarily used in the debtor's occupation, to the value of \$100 ; Tools.

7. Bees reared and kept in hives to the extent of fifteen hives. See Rev. Stat. c. 96, s. 2. Bees.

2. The debtor may in lieu of tools and implements of or chattels ordinarily used in his occupation referred to in subdivision 6 of section 2 of said Act elect to receive the proceeds of the sale thereof up to \$100, in which case the officer executing the writ shall pay the net proceeds of such sale if the same shall not exceed \$100, or, if the same shall exceed \$100, shall pay that sum to the debtor in satisfaction of the debtor's right to exemption under said subdivision 6, and the sum to which a debtor shall be entitled hereunder shall be exempt from attachment or seizure at the instance of a creditor. Debtor may take proceeds of sale of implements, etc., in money.

3. Section 6 of the said Act is hereby repealed, and the following substituted therefor : R. S. O. c. 66, s. 6, repealed.

6. Notwithstanding anything contained in the next preceding four sections, the various goods and chattels which are now liable to seizure in execution for debt shall, as respects debts which have already been or shall be contracted prior to the first day of October, 1887, remain liable to seizure and sale in execution provided that the writ of execution under which they are seized has endorsed upon it a certificate signed by the Judge of the Court out of which the writ issues certifying that it is for the recovery of a debt contracted before the date hereinbefore mentioned. Goods liable to seizure to continue so liable for debts contracted before Oct. 1, 1887.

4. This Act shall take effect on, from and after the first day of October, 1887. Commencement of Act.



## CHAPTER 11.

## An Act respecting the Appointment and Proceedings of Police Magistrates.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

More police magistrates than one may be appointed for a county in which Temperance Acts in force.

1.—(1) The Lieutenant-Governor may appoint more police magistrates than one for any county or union of counties or district or part of a district in which *The Canada Temperance Act*, or a like Act, is in force. Any such magistrate shall hold office during pleasure, save that he shall cease to be such police magistrate in case, and from the time that, the said Act, or a new Act which may be substituted therefor, ceases to be in force in the county, or district or part of district aforesaid.

Salary.

48 V. c. 17.

(2) The Lieutenant-Governor in Council may determine the salary (if any) to be paid to a county or district police magistrate; the same not to exceed the salary provided for by section 2 of *The Act respecting Police Magistrates for Counties*. He may also allow the travelling expenses of the said magistrate at some amount between \$150 and \$300, and no more than \$300. Only one police magistrate appointed under either Act for any county or district, shall receive a salary under authority of the Lieutenant-Governor in Council, but the municipal council of a county may grant a salary to other police magistrates appointed for the county, such other police magistrate consenting thereto.

(3) Such salary and expenses of a county police magistrate shall be paid by the county quarterly.

Fees.

2. A police magistrate appointed under this Act, or *The Act respecting Police Magistrates for Counties*, shall, in addition to his salary, be entitled to receive the same fees and emoluments as are paid to justices of the peace. A salaried police magistrate appointed under either Act shall pay over to the treasurer of the said county what he receives in respect of the said fees and emoluments or such of them as this Legislature is competent so to dispose of.

Jurisdiction.

3. The appointment of a police magistrate under this Act, or under *The Act respecting Police Magistrates for Counties*, may exclude any city or town which has a police magistrate, and otherwise a police magistrate appointed for a county or district shall have jurisdiction in the whole of the county or district, inclusive of every city or town therein, whether such city or town has or has not also a police magistrate of its own.

4. All police magistrates hold office during pleasure.

Tenure of office.

5. Sections 3 and 4 of *The Act respecting Police Magistrates for Counties*, shall apply to police magistrates appointed under this Act.

General powers of police magistrates.

6.—(1) A salaried county or district police magistrate shall have power from time to time to appoint a constable for the county or union of counties or district of which he is a police magistrate, such constable to hold office for not more than thirty days; his appointment may be revoked by the police magistrate, or by the Provincial Secretary, before the expiration of the thirty days.

Certain police magistrates may appoint temporary constables.

(2) The police magistrate making any such appointment shall forthwith notify the Provincial Secretary thereof.

(3) A constable appointed by a police magistrate shall have the same authority and privileges, and be subject to the same liability and the performance of the same duties, as if appointed by the Court of General Sessions of the Peace.

7. To prevent doubts it is hereby declared and enacted that a police magistrate for a county, or part of a county, may sit or hold his Courts within a town separated from the county, or a city situate within the limits of the county for judicial purposes, and may in such town or city hear complaints, and dispose thereof as police magistrate in respect of all matters arising within the county, or the part of the county for which he is appointed, and do all acts, matters and things in the discharge of the duties and powers of his office as fully as when sitting or holding court in any other part of the county for which he is appointed.

Place of holding Court.

8. It is further declared and enacted, that police magistrates are entitled to the same protection as justices of the peace under *The Act to protect Justices of the Peace and other officers from vexatious actions*, and under *The Act respecting the Magistracy*.

Protection of magistrates.

9.—(1) No action shall lie against a stipendiary or police magistrate for or by reason of any process issued, or conviction made by, or any proceedings of any kind taken before him alone, or authorized by him, in good faith, in any case which, by the law applicable thereto, was not cognizable by such police magistrate, or not by him sitting alone, or should have been heard by two justices of the peace, or by the mayor of a city or town within the district, county, union of counties, or part of a district or county or union of counties, for which the stipendiary or police magistrate was appointed.

Action not to lie against stipendiary or police magistrates, etc., for certain mistakes as to jurisdiction.

(2) This section shall not prevent an action from being maintained where and so far as the action would be maintainable

able against the mayor or justices of the peace if the process had been issued or conviction made by, or proceedings taken before, or authority given by him or them, in a matter in which he or they had jurisdiction.

(3) No action shall lie against a constable or peace officer for anything done by him under and by virtue of process issued or authority given, as in the first sub-section mentioned, unless the action would be maintainable if the process had been issued or authority given by a person or persons legally qualified to issue the process or give the authority.

(4) This section shall apply to pending actions, and also to actions (whether brought before or after this Act) for anything done before the passing of this Act, as well as to actions in respect of acts which may hereafter be done.

## CHAPTER 12.

### An Act respecting the Administration of Justice in the Districts of Algoma and Thunder Bay.

*[Assented to 23rd April, 1887.]*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Jurisdiction of District Courts in cases of waste and trespass.

1. As respects the District Courts of the Districts of Algoma and Thunder Bay, the Judges thereof shall have the same jurisdiction as the High Court with respect to injunctions restraining the committing of waste or trespass on property, by unlawfully cutting, destroying or removing trees or timber and with respect to incidental relief, and the practice in the exercise of such jurisdiction shall be the same, as nearly as may be, as the practice of the High Court.

Removal of action into High Court.

2. The High Court, or any Judge thereof, on the application of any party to the proceeding made on notice, may order that the whole proceeding be transferred to the High Court, or to any Division thereof; and in such case all papers filed in the District Court shall be transmitted by the clerk, or other proper officer of the District Court to the High Court; and the action shall thenceforth be continued and prosecuted in the High Court, as if it had originally commenced therein.

In what cases action shall be removable.

3. No such case shall be transferred to the High Court unless the value of the subject matter or the damage to either party appears to amount to upwards of \$1,000, nor unless the case appears to the Court or Judge fit to be tried in the High Court. The order may be made on such terms as to payment of costs, giving security and otherwise, as the Court or Judge thinks fit.

CHAPTER



## CHAPTER 13.

## An Act respecting the Niagara Falls Park.

[Assented to 23rd April, 1887.]

WHEREAS, in pursuance of *The Niagara Falls Park Act*, Preamble. the Lieutenant-Governor in Council did approve of certain lands selected by the commissioners for the purposes set out in the preamble of the said Act; and a map of the park, shewing the boundaries thereof and the lands taken, was submitted to the Lieutenant-Governor and approved in Council, and copies duly certified and authenticated were filed and deposited in the office of the registrar for the county of Welland, and in the office of the Commissioner of Crown Lands; and whereas the prices to be paid for the said lands have been ascertained and determined, and it is expedient to make provision for the payment thereof, and for the means required to establish, maintain, improve, and develop the said lands, as and for a public park;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Park shall be called “The Queen Victoria Niagara Falls Park,” and this Act may be cited as *The Queen Victoria Niagara Falls Park Act, 1887*. Name.

2.—(1) From and after the commencement of this Act, Colonel Casimer Stanislaus Gzowski, of the city of Toronto, Aide-de-Camp to the Queen; John Woodburn Langmuir, and James Grant Macdonald, both of the city of Toronto, Esquires, the persons forming the Board of Commissioners for Niagara Falls Park, and two other persons to be appointed by the Lieutenant-Governor in Council if he thinks fit, shall be a corporation by the name of “The Commissioners for the Queen Victoria Niagara Falls Park,” and shall continue to hold their respective offices, as members of the said corporation, during the pleasure of the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may, upon the death of any of such persons respectively, or on their resignation or removal from office, and from time to time thereafter, appoint other persons to fill their places during pleasure as aforesaid. Commissioners incorporated.

(2) The commissioners shall receive no compensation except their actual disbursements in discharging their duties.

3.—(1) The lands selected by the commissioners of Niagara Falls Park, approved by the Lieutenant-Governor, and marked upon the map, and contained within a red verge line marked on the said map, with the exception hereinafter mentioned, are hereby Lands vested in the commissioners.

hereby vested in the said corporation as trustees for the Province, subject to the payment being made which is hereinafter mentioned. The amounts agreed to be paid or awarded, are to be paid upon proper conveyances being executed to the said commissioners, subject as hereinafter mentioned; or in case no proper conveyance is executed, the money may be paid into Court, in accordance with and subject to the terms of *The Niagara Falls Park Act* and *The Revised Act respecting the Public Works of Ontario* as incorporated in the Park Act.

(2) The payment is to be made within fifteen days from the passing of this Act, with interest to be computed from the 30th March, 1887, to the day of payment, at the rate of six per cent. per annum; and payment within such period shall be as effectual as if made within the period fixed for payment by *The Niagara Falls Park Act*.

(3) The costs, which shall be payable under awards where amounts are paid into Court, may be paid to such of the persons interested as appeared before the official arbitrators.

(4) The land so excepted is the following:

Excepting a strip of land, lying between Range No. 6, as laid down in the plan of the city of the Falls, in the township of Stamford, on the North, and by Street's Mill Road and the lands held by the Carmelite Monastery on the South, the easterly boundary whereof is at a distance of 130 feet east of the centre line of the Canada Southern Railway, and the westerly boundary whereof being the westerly line of the park, as appears in the park plan, filed and registered, between said Range No. 6 and Street's Mill Road, and Monastery Lands and approximately of the width of seventy-nine feet between said Range No. 6 and Street's Mill Road, which said strip is by this Act excluded from the park; and except also that until the municipal corporation otherwise orders by by-law, subject to section 546 of *The Consolidated Municipal Act, 1883*, Robinson and Murray streets shall be public entrances to the park for visitors by carriages, or on horses, or on foot.

Purchase of  
part of St.  
Catharines,  
Thorold and  
Niagara Falls  
Road  
authorized.

4.—(1) The commissioners may agree with the person or persons, or association of persons, whether incorporated or not, who exercise, own or control the taking and collecting of tolls upon that portion of the gravelled or macadamized road known as the St. Catharines, Thorold and Niagara Falls road, between Table Rock and the north boundary line of the park on the aforesaid plan marked, as well as the title, interest and possessory right, which such person or persons as aforesaid have to the said road and the land whereon the same is laid out, together with the toll-house and appurtenances between the said points, for the price to be paid for the said rights to take tolls, and the title, interest and possessory rights, land, toll-house and appurtenances aforesaid;

(2)

(2) And if the commissioners and the said persons as aforesaid are unable to agree, the sums to be paid shall be determined by arbitration in the manner provided by *The Niagara Falls Park Act*; and any party to the arbitration may appeal from the award in manner and according to the provisions of *The Act respecting awards under the Niagara Falls Park Act*.

(3) The right and power which the persons aforesaid have to collect tolls over the residue of the road known as the St. Catharines, Thorold and Niagara Falls road shall not be affected by reason of the acquisition by the commissioners of that portion between the Table Rock and the north boundary line of the park on the aforesaid plan marked, except by reason of the diminution of mileage, although that part of the road held or retained by the said persons beyond the limits of the park may be shortened to less than five miles in length,

(4) In case of an arbitration the arbitrators shall take into account any depreciation, if such there may be, in the value, to the persons aforesaid, of the remainder of the road.

(5) The arbitrators shall also determine the value of the whole road between the Table Rock and a point about five miles therefrom in respect of which tolls are now collected, in order that the commissioners may have the opportunity of paying to the persons aforesaid, if sanctioned by the Legislature at its next session, the difference between the value of the whole road between said points and the value of the part hereinbefore mentioned of the road aforesaid; and in case of such payment being sanctioned and made within fifteen days after the end of such session, that part of the road built upon the military reservation or ordnance property shall vest in the commissioners, and the park shall then extend over and include, as well the military reservation, as the land lying between such reservation and the Niagara River, as far as the limit between lots number 92 and 93 of Stamford, but not affecting or interfering with the rights of any companies having bridges over the Niagara River. And all the provisions of this Act and *The Niagara Falls Park Act* shall apply to such extension of the park as if included within the park at the time of the passing of this Act, saving the reservation of a public way between the Clifton House and the limit between said lots 92 and 93, such public way being subject to reasonable tolls upon horses and carriages passing over the same.

(6) All costs in respect of the matters in this section contained shall be in the discretion of the arbitrators.

(7) Upon the acquisition by the commissioners of the interests and rights in that portion of the said road within the park as now limited, all rights to take and collect tolls, as well as the public rights in the said portion of the road, shall be extinguished.

(8)



(8) Nothing in this section is intended to extend to or affect any right or title of the Dominion of Canada to any property known as the military reservation or ordnance property.

Grant of  
Crown Lands  
authorized.

5. The Lieutenant-Governor in Council may at any time, or from time to time, vest in the commissioners, to be held for the purposes of the Park, and subject to any conditions which may be imposed by Order in Council, any part or portions of the Crown Lands the property of Ontario, lying along the bank of the Niagara River, and not included in the original survey of lots laid out in the townships of Stamford and Niagara, which lands so vested shall thenceforth form part of the park and be subject to the control of the commissioners like the other lands aforesaid.

Power to  
acquire lands.

6. The provisions hereinbefore and in the former Act contained for authorizing the commissioners to take, use or acquire, and authorizing all persons to sell and convey, lands, hereditaments or rights, shall extend to any lands, hereditaments and rights which the commissioners, with the consent of the Lieutenant-Governor in Council shall hereafter think proper or expedient to be acquired for the purpose of making, forming and completing any new roads, avenues or approaches to the park, but nothing in this section contained shall authorize the commissioners to take any lands for the purpose aforesaid, against the consent of the parties interested therein.

Issue of de-  
bentures  
authorized.

7.—(1) The commissioners may raise, for the purposes and objects intended to be secured by *The Niagara Falls Park Act* and this Act, the sum of \$525,000, and no more, by the issue of debentures. The appropriation and application of the money shall be assured to the satisfaction of the Lieutenant-Governor.

(2) The debentures shall be under the corporate seal and the hands of two of the commissioners, and shall be countersigned by the Treasurer of the Province, and the same shall be for such respective amounts payable on the 1st of January, 1927, and at such rate of interest not higher than four per cent. per annum, and shall be disposed of at such prices and on such terms as may be determined by the commissioners, and approved by the Lieutenant-Governor in Council. The interest shall be paid half-yearly on such days as shall be mentioned in the debentures.

(3) The debentures shall, equally and without preference of one over another, be a charge on all the revenues of the corporation, and the Lieutenant-Governor by Order in Council may also guarantee payment of the same.

(4) The debentures so issued and countersigned shall be conclusive of the same having been issued in pursuance of this Act, and of the same being guaranteed by the Province of Ontario.

(5) The debentures shall be transferable by delivery, and the coupons for interest annexed thereto shall also pass by delivery.

(6) The moneys to be raised by means of the said debentures shall be applied in paying the purchase moneys of the lands to be acquired, in making necessary improvements, constructions and appliances to be used in connection with the park, in recouping the Province for expenses incurred by it with reference thereto, and in paying current expenses of the park and interest on the said debentures until a sufficient revenue for the said purposes is obtained from the fees charged.

8.—(1) Subject to any direction of the Lieutenant-Governor in Council, the commissioners may construct and operate inclined planes and hydraulic or other lifts, to be worked by any powers; and may build and operate boats or vessels to be used in connection with the park. Powers of commissioners.

(2) Subject as aforesaid, the commissioners may pull down all houses and other erections and buildings on lands acquired and purchased by virtue of this Act, or such of them or such part thereof as they shall think proper to be pulled down, and may level and clear the ground whereon the same stand, in such manner as they think proper, and sell or cause to be sold the materials of the houses and other buildings to be taken down and removed; and the moneys to be produced by the sale thereof, after deducting expenses, and also the rents and profits to which they may be entitled meantime, shall be applied and disposed of for or towards the purposes of this Act.

(3) Subject as aforesaid, the commissioners shall lay out, plant and enclose the park in such manner as they think fit, and improve and develop the same in accordance with the objects of *The Niagara Falls Park Act*.

(4) Subject as aforesaid, the commissioners shall have power to take and collect tolls for the use of works, appliances, vessels, or works required to afford facilities to visitors to reach and view the points of interest within the park, and involving the expenditure of money in construction and maintenance, as well as for services to be rendered for the convenience or accommodation of visitors.

(5) Subject as aforesaid, the commissioners may from time to time make orders and regulations for opening and closing the gates and entrances of the park or any of them, at such hours as they may think fit. This is not intended to interfere with, or affect, an agreement which has been heretofore entered into between the commissioners and the Canada Southern Railway.

9. The plans of all works proposed, and all tariffs of tolls or payments for the use of works, vessels or services, as well as all Plans of works, tolls and by-laws to be subject by-laws,

to approval of Lieutenant-Governor in Council. by-laws, shall require the approval of the Lieutenant-Governor in Council before being acted upon.

Grounds to be open to public. **10.** The park grounds shall be open to the public, subject to any rules and regulations as to management approved by the Lieutenant-Governor in Council.

Power of commissioners as to by-laws. **11--(1)** The commissioners may make by-laws, to be approved by the Lieutenant-Governor in Council, for the use, government, control or management of the park, and for the protection and preservation of all works from injury of the same, and of the trees, shrubs, walks, seats, gates, fences and palings, and all other parts thereof, and for the exclusion of improper persons from the same, and may alter or revoke any such by-laws, and shall appoint a penalty, not exceeding \$20, for any breach of a by-law.

(2) The commissioners may from time to time appoint such officers as may be required for the superintendence and management of the park, and may also appoint park keepers and other officers to preserve order in the park, and may from time to time dismiss any persons so appointed; the appointments or dismissals being subject to the approval of the Lieutenant-Governor; and the salaries of such officers shall be payable out of any funds in the hands of the commissioners.

(3) Any person entrusted by the commissioners with the custody or control of moneys, by virtue of his employment, shall give security in the manner and form provided by *The Act respecting Public Officers*.

(4) The commissioners may from time to time employ gardeners and workmen, as they may deem necessary, and may from time to time dismiss or dispense with the services of such persons, subject to any directions of the Lieutenant-Governor in Council.

(5) The commissioners shall cause books to be provided and kept, and true and regular accounts to be entered therein, of all sums of money received and paid, and of the several purposes for which the same were received and paid; which books shall at all times be open to the inspection of any of the commissioners, and of the Treasurer of Ontario, and of any person appointed by the commissioners or Treasurer for that purpose, and of any other person appointed by the Lieutenant-Governor; and the commissioners and persons aforesaid may take copies of or extracts from the said books.

Application of revenue. **12.** The revenue to be received from the sources authorized by this Act shall be applied as follows:—

1st. To the necessary outgoing expenses of all works necessary to the preservation, improvement, and maintenance of the park, and to the payment of the salaries of officers and others employed by the commissioners, and other incidental expenses.

2nd



2nd. To the payment half-yearly of the interest payable on the debentures authorized to be issued by the commissioners.

3rd. To pay a sinking fund at the rate of one per cent. per annum on the entire amount of the debentures authorized to be issued as aforesaid.

**13.**—(1) The annual sums for the sinking fund shall be remitted by the commissioners to the Treasurer of Ontario by half-yearly payments in such manner as the Lieutenant-Governor in Council from time to time directs, for the investment and accumulation thereof under the direction of the Lieutenant-Governor in Council. Application of sinking fund.

(2) The sinking fund shall be invested in such securities as the Lieutenant-Governor in Council from time to time thinks proper, and shall, whether invested or not, be applied from time to time under the direction of the Lieutenant-Governor in Council in discharging the principal and the interest thereon of the debentures.

**14.** The commissioners shall make an annual report for the information of the Legislature, setting forth the receipts and expenditure of the year and such other matters as may appear to them to be of public interest in relation to the park, or as the Lieutenant-Governor in Council may direct. Annual report

**15.** Sections 24 to 27 of *The Act to provide for the better Auditing of the Public Accounts of the Province*, shall apply to the accounts of the commissioners in respect of receipts and expenditures. 49 V. c. 24, ss. 24-27 to apply.

**16.** Sections 12, 13, 14 and 15 of *The Niagara Falls Park Act* are hereby repealed. 48 V. c. 21, ss. 12-15 repealed.

## CHAPTER 14.

An Act respecting the Custody of Documents relating to Land Titles.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "*The Custody of Title Deeds Act*," and shall be read as part of *The Registry Act*. Short title.

Interpretation.

2. The word "document," herein, shall be held to include the word "instrument," as defined by *The Registry Act*, and also any certificate, affidavit, statutory declaration, or other proof as to the birth, baptism, marriage, divorce, death, burial, descendants, or pedigree of any person, or as to the existence or non-existence, happening or non-happening of any fact, event or occurrence upon which the title to land may depend, and notices of sale, or other notices necessary to the exercise of any power of sale or appointment or other powers relating to lands.

Person having custody of deeds, etc., may deposit them in registry office.

3. Any person having any document, forming or being a title-deed or evidence or muniment of title to land in this Province may deposit the same for safe custody in the office of the registrar of any registry division in which the document or a duplicate or copy or memorial or certificate thereof has been registered; or in case it does not appear by any endorsement thereon, that the same or a duplicate or copy or memorial or certificate thereof has been registered in any registry office in Ontario, the document may be so deposited in the office of the registrar of any registry division in which any land to which the same relates is situate.

Requisition to be filed and receipt given.

4. Upon every such deposit, the person depositing shall deliver to the registrar a requisition in duplicate in the form A hereto; which requisition may include any number of documents; and the registrar shall sign a receipt upon one of the duplicates for the instruments or documents therein mentioned, and shall deliver the receipt to the person by whom the deposit is made.

Each document to be numbered and entered in deposit index and filed,

5.—(1) Upon receiving the requisition and the documents therein mentioned, the registrar shall enter every document in consecutive order in a book to be kept by him for that purpose, to be called the "deposit index" (which may be in the form B hereto), and shall therein number all deposited documents consecutively, and shall endorse on every such document the word "deposited," with the date of deposit and the number of the entry thereof in the deposit index; and shall file the same in consecutive order according to its number; and shall also endorse on the requisition the numbers so by him placed on the documents therein mentioned; and shall file all the requisitions in consecutive order according to such numbers.

And names to be entered in alphabetical Index.

(2) The registrar shall also enter in an alphabetical index to be kept by him for that purpose (and which shall be called the "Alphabetical Deposit Index,") the number of the document in the deposit index, and the name of every party to the document, or to the action, suit or proceeding to which the document relates, or if the same is a certificate or an affidavit, or a statutory declaration or other proof, as to the birth, baptism, marriage, divorce, death or burial of any person, then the name of such person.

(3) In case it appears by any certificate of registration endorsed on the document, that the same or a duplicate or a copy or memorial or certificate thereof is registered in his registry office, the registrar shall also enter in the margin of every registry book wherein the same is registered opposite the entry thereof, the words, "See deposit index No. A. D," referring to the number of the instrument in the deposit index, and the date of the deposit.

Entry opposite registered instruments.

6.—(1) In case it appears by any certificate of registration endorsed on the document that the same or a duplicate or copy or memorial or certificate thereof is registered in any other registry division, the registrar with whom the same is so deposited shall, within ten days after the deposit send by post to such other registrar a notice thereof in duplicate, in the form B hereto.

Notice to be sent to other registry offices where registered.

(2) On receipt of the notice the registrar receiving the same shall enter in the margin of every registry book wherein the same appears to have been registered, opposite the entry thereof, the words, "See deposit index in Registry Office, No. A. D," referring to the registry office from which the notice is received, and the number and date of the deposit therein, and he shall forthwith send by post an acknowledgment written upon one of the duplicate notices of the receipt of the notice.

(3) In case such an acknowledgment is not received within fourteen days from the sending of the notice, the registrar sending the notice shall send another like notice, and shall repeat the same every fourteen days till the acknowledgment is received.

(4) Every such notice and acknowledgment shall be post paid and post registered, and a sufficient sum to pay the registrar's fees and the postage and post registration on the acknowledgment thereof shall be sent with the notice.

(5) All notices received from other registrars shall be filed by the registrar receiving the same in the order in which they are received, and all such acknowledgments shall be filed by the registrar receiving the same in the order of the receipt thereof.

7. The registrar with whom the deposit is made, shall be entitled to the following fees to be paid at the time of the deposit by the person depositing the same, that is to say:—

Registrar's fees.

On every requisition.....	20 cents.
On every document deposited therewith..	10 "
For every notice necessary to be sent to other registrars, (not more than one notice to any one registrar to be charged for).....	15 "
Necessary postage and post registration fee on the notices and acknowledgments thereof.....	



Fees to  
other regis-  
trars.

8. The registrar to whom any notice under section 6 hereof is sent, shall be entitled to a fee of twenty cents for every document, in respect of which he is to make the entries afore-said.

Deposited doc-  
uments open  
to inspection.

9. Any person shall be entitled to inspect and make or obtain copies of or extracts from any such deposited document, in like manner as in the case of instruments registered under the provisions of *The Registry Act*; and the registrar shall be entitled to the same fees in respect thereof, as in the case of registered instruments.

Deposit not  
registration  
and not to  
affect docu-  
ment as evi-  
dence.

10. The deposit of any document under this Act, shall not be deemed a registration thereof within the meaning of *The Registry Act*; nor shall the admissibility or value of any document as evidence, be deemed to be improved or affected by the deposit.

Deposit re-  
lieves from  
liability.

11. The deposit of a document under the provisions of this Act, shall, while the same continues so deposited, be deemed a sufficient compliance with, and fulfilment of, any covenant or agreement theretofore entered into by any person, to produce or allow the inspection of the document, or the making of any copy of or extract from the same, and shall absolve any person liable for the production or custody thereof from any further liability in respect of such custody or production.

Registrar to  
keep safely.

12. The registrar with whom a document is so deposited shall keep the same safely in his office, in like manner and with the same care as the instruments registered in his office; and he and his sureties shall be responsible in respect thereof, in like manner as in respect of instruments registered under *The Registry Act*; and the registrar shall not part with the possession of any such document, unless in accordance with the order of a Court or Judge as hereinafter provided.

Expenses of  
executors, etc.

13. Any executor or administrator of the estate of a deceased person, and a trustee of a trust estate, may reimburse himself out of such estate any expense which he incurs in or about depositing any documents which may come to his possession or control as such executor, administrator or trustee.

Application  
within 5 years  
to remove  
custody

14.—(1) At any time within five years after the deposit of a document under the provisions hereof, any person may apply to the High Court of Justice, or the County Court of the County in which the deposit is made, or to a Judge of either of the said Courts, for the delivery of the document to such person, and the Court or Judge—upon being satisfied that the applicant would,

would, but for the deposit, be solely entitled to the possession of the document, and that the deposit thereof was made without his consent, or the consent of any person entitled at the time of the deposit to any interest therein, and (in case the document relates to other lands than those in which the applicant is interested) that there are reasonably important grounds for removing the document from the custody of the registrar—may direct that the same shall be delivered up by the registrar to the applicant, or to any person the Court or Judge may direct.

(2) Before making the order, the Court or Judge may require such notice of the application as to the Court or Judge shall seem meet to be given to the person by whom the deposit was made, or to any other person, by advertisement or otherwise, or may dispense with any such notice. Notice of application.

(3) The order may direct that all or any part of the costs of the application, or of opposing the same, or in relation thereto, be paid by the person by whom the deposit was made, or by whom the application is made, or by any person to whom notice of the application has been given and may make such order in respect of the costs of the applicant, and of the persons who have been notified, or who may oppose the application, as to the Court or Judge seems meet. Costs.

**15.**—(1) Upon the delivery to the registrar of the order, or a duplicate thereof, within six months after the date thereof, and upon payment to him of the sum of fifty cents, he is to deliver to the person mentioned therein the documents therein directed to be given to him, taking his receipt, or the receipt of his authorized agent therefor, and Delivery under order.

(2) Shall make an entry in the deposit index, opposite the entry of the document, specifying the date of such delivery, and to whom delivered, the Court or Judge by whom the order was made, and the date of the order, and shall file the order among the requisitions for deposit in the order of the date of receipt thereof. Registration of order.

## SCHEDULE.

## FORM A.

To the registrar of the \_\_\_\_\_ of \_\_\_\_\_

I (or we) hereby deposit with you and require you to take into your custody, pursuant to the "Custody of Title Deeds Act," Vic., cap. , the following instruments and documents, viz. :—

Description of instrument or document.	Names of all parties.	Any other particulars or subject of certificate, affidavit, etc.	Lands in this registry division to which documents relate.	Particulars of registration of registered instruments.			
				Registry division.	Date.	No.	Township, city, town, etc.

Dated \_\_\_\_\_ (in duplicate)

Signed in presence of me, to whom the depositor, and his residence and occupation are well known. }  
 Signature. \_\_\_\_\_  
 (Residence) Lot Con.  
 House No. or Street.  
 (Occupation)

J. P. or Notary Public, or  
 Mayor or Reeve, or Solicitor of Supreme  
 Court, or Barrister.

The documents above mentioned, with a duplicate of above requisitions, are this day received by me.

Dated \_\_\_\_\_

Registrar for \_\_\_\_\_

## FORM B.

## DEPOSIT INDEX.

Deposit No.	Description of instrument.	Parties.	Lands in this registry division mentioned.	Any other particulars or subject of certificates, affidavits, etc.	Particulars of registration certificate endorsed.	Date of deposit.	By whom deposited.

FORM



FORM C.

NOTICE OF DEPOSIT.

To the registrar of

The following instruments, of which the originals, or a duplicate, or memorial, or copy, or certificate, appear to be registered in your registry office, have been deposited in this registry office under the "Custody of Title Deeds Act."

Deposit index No.	Date of deposit.	Description of instrument.	Parties.	Particulars of registration in your registry division.		
				Registration No.	Date of registration.	Township, city, town, etc.
2146	8th Aug., 1885.	Mortgage.	John Smith to Wm. Jones			

You are required to enter such deposit, and to acknowledge receipt hereof, under above Act. Enclosed is                      cents.

Dated at

Registry Office for

}

Registrar.

The duplicate of above notice of deposit of (three) documents received at the registry office for                      this                      day of                      , A.D. 18                      , and entry of such deposit has been made in accordance with the "Custody of Title Deeds Act."

Registrar.

Form of acknowledgment to be put in duplicate notice.

## CHAPTER 15.

An Act to extend the operation of the Land Titles Act, and otherwise amending the same.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

## EXTENSION TO OTHER COUNTIES, ETC.

Adoption of  
Act by muni-  
cipality.

1.—(1) The municipal council of a county, or of a city or town separated from the county for municipal purposes, may pass a by-law declaring it expedient that the provisions of *The Land Titles Act, 1885*, be extended to the said county, city or town.

(2) In such case the municipal corporation of the county, city or town shall provide proper fire-proof and other accommodation for an office of Land Titles; and, so far as the expenses of the office are not covered by the fees collected thereat, the corporation shall pay the same, including the salary of the local Master of Titles, and all necessary and proper books, stationery, furniture, and lighting, cleaning and heating of the office, and attendance, and other matters and things incident to the proper conduct of the business of the office. This sub-section shall apply also to the county of York and city of Toronto from and after the 31st day of December, 1887.

(3) Where the said Act is extended to a county which includes a city or town separated from the county for municipal purposes, the city or town and county shall share the expenses to be borne by the locality under this Act, in such proportions as may be decided by arbitration under *The Municipal Act*, in case the councils interested do not agree in respect thereto.

Proclamation  
extending Act  
to municip-  
ality.

2.—(1) Where a by-law to the effect aforesaid has been passed, and proper accommodation has been provided, either in connection with the county registry office or at some other convenient place, to the satisfaction of the Inspector hereinafter mentioned, and approved by the Lieutenant-Governor in Council, the Lieutenant-Governor may, by his proclamation, extend the operation of the said Act (as amended by any subsequent Acts) to such county, city or town, from a day to be named in the proclamation.

(2) The fact of the conditions precedent to the issue of such proclamation having been performed, shall be conclusively established by the issue of the proclamation.

3. Where the Act applies to a county, city or town entitled to receive money under section 104 of *The Registry Act*, the registrar shall pay to the Treasurer of Ontario, to be applied, so far as necessary, in defraying the salary of the Master and other expenses of the office, the money payable either directly or indirectly, to the county, city or town under the said Act, and the Treasurer shall pay the balance to the county, city or town; and in case the amount so paid to the Treasurer aforesaid by the registrar is not sufficient, or in case nothing is payable by the registrar, the residue of such salary, or the whole of such salary (as the case may be), shall be made good to the Province by the corporation of the county, city or town.

Surplus fees under Registry Act to be applied in defraying expenses of office.

#### LOCAL MASTERS OF TITLES.

4.—(1) Where at the time of the issue of the proclamation there is a Referee of Titles under *The Quieting Titles' Act*, residing in the locality, such referee shall *ex-officio* be the first Local Master of Titles for the locality, unless he practises as a barrister or solicitor, or is a county judge, and he shall hold the office during the pleasure of the Lieutenant-Governor in Council.

Local Masters of Titles *ex officio*.

(2) Save as aforesaid, the Lieutenant-Governor may appoint a Master of Titles for the locality to which the Act is extended, to be styled "The Local Master of Titles" for the county, city or town, as the case may be, such officer to hold office during pleasure as aforesaid.

Appointment of Local Masters.

(3) The person appointed may, in the discretion of the Lieutenant-Governor, be a county judge, a barrister or solicitor (whether practising or not), or a registrar, if the person is deemed by the Lieutenant-Governor in Council to be qualified for the office of Master of Titles.

Qualification.

(4) The Local Master of Titles shall be paid by salary for his services in that capacity, such salary to be fixed from time to time, with reference to the amount or probable amount of the business, on the report of the Inspector, subject to approval by the Lieutenant-Governor in Council. The Order in Council is to be laid before the House of Assembly, as provided for Orders in Council under section 81 of *The Ontario Judicature Act, 1881*.

Salary.

(5) Every Local Master of Titles, before he enters upon the execution of his office, shall give security for the true and faithful performance of his duty as such Master, in such an amount as may be determined by the Lieutenant-Governor in Council, and in such form as he may approve of, and shall take, before a Judge of the Supreme Court of this Province, or before some person authorized by the Lieutenant-Governor to administer oaths and declarations, an oath of office similar to that required to be taken by the Master of Titles under the said Act, and such oath shall be transmitted to the Provincial Secretary.

Security.

(6)



New security  
to be given  
when required.

(6) The Local Master of Titles shall, whenever required by the Provincial Secretary, give new security for the purposes specified in this section, and to be approved by the Lieutenant-Governor in Council.

Master's  
authority and  
duties.

5. Subject to the provisions of this Act, the Local Master of Titles shall, in respect to titles of land situate within the territory for which he is appointed, have all the authority and perform all the duties which, in the county of York, are performed by the Master of Titles, subject to appeal in the same manner.

#### INSPECTOR OF LAND TITLES' OFFICES.

Appointment  
of Inspector.

6.—(1) As soon as the said Act applies to ten counties, cities or towns aforesaid, the Lieutenant-Governor may appoint an officer, to be called "the Inspector of Land Titles Offices."

Duties.

(2) The Inspector shall (subject to rules as hereinafter mentioned) have the like powers and duties as an Inspector under *The Quieting Titles' Act*, and as an Inspector under *The Registry Act*, respectively, and such other duties as may be required of him by rules to be made under the authority of the said Act, or as he may be required by the Governor in Council to perform in respect of matters arising under the said Act.

Salary.

(3) The salary of the Inspector, to be voted by this Legislature, and his travelling expenses, and all expenses of and incidental to his office, shall be paid by the Province, and shall be repaid to the Provincial Treasurer by the corporations of the localities in which the Act is from time to time in operation, and shall be paid in such proportions as after a report from the Inspector the Lieutenant-Governor in Council may determine.

Performance  
of duties until  
Inspector  
appointed.

(4) Until an Inspector is appointed, the duties of the Inspector shall be performed by the Master of Titles, or by some other person authorized by the Lieutenant-Governor in Council, and the expenses of and incidental thereto shall, in like manner as is hereinbefore provided, be repaid to the Provincial Treasurer.

Appeal from  
Inspector.

(5) In all matters decided by the Inspector which are of like character as matters over which the Master of Titles has jurisdiction in the county of York, an appeal shall lie from any act, order or decision of the Inspector to the High Court, and from that Court to the Court of Appeal, as in cases within the ordinary jurisdiction of the Court, subject to any rules made in respect of such appeals.

## DUTIES AND POWERS OF LOCAL MASTERS.

*First Registration.*

7.—(1) Where, upon an application for first registration, the Local Master of Titles finds that the applicant, or his nominee, is entitled to be registered, he is to sign a memorandum to that effect at the foot of the application, and is to transmit the same to the Inspector of Titles, with the deeds, evidence, and other papers before him, and a draft of the entry of ownership proposed to be made.

Local Master to transmit title deeds, etc., to Inspector.

(2) If the Inspector concurs in the opinion of the Local Master of Titles, he shall approve thereof and shall return the papers transmitted to him, and the Local Master of Titles may thereupon register the applicant, or his said nominee, as owner under the said Act.

Proceedings where Inspector concurs in Master's finding.

(3) In case the Inspector does not concur in the opinion of the Local Master of Titles, he shall communicate his opinion to the Local Master of Titles, and shall cause such action to be taken as he deems expedient, and in case his objections are not removed by explanations or additional evidence, the applicant or his nominee shall not be registered, unless the Court on appeal, or on a case stated for its opinion, otherwise directs.

Proceedings where Inspector does not concur.

(4) If there is a contestation upon the decision of the Inspector concurring in the Local Master's opinion, registration shall be delayed for ten days to enable anyone who so desires to appeal.

Stay of proceedings in case appeal desired.

*Subsequent Registration.*

8. If on an application for the registration of an instrument after a first registration or of a transmission, the Local Master of Titles is unable to come to a clear conclusion as to the action which he should take, he shall delay making the required entry until he has stated the facts to the Inspector of Titles for his opinion. In submitting the case the Local Master shall state his own view and his reasons therefor.

Submission of case to Inspector where Master in doubt.

## WITHDRAWING LAND FROM THE REGISTRY.

9.—(1) Where after land has been registered under the said Act or this Act, special circumstances appear or subsequently arise which make it inexpedient that the land should continue under the Act, the owner may apply in the prescribed manner to the Master of Titles for the withdrawal of the land from the said Act.

Application to withdraw registered land.

(2) In case the owner proves before the Master of Titles that all persons interested in the land proposed to be withdrawn, consent to its withdrawal, and in case he satisfies the Master

Certificate by Master.

Master that special circumstances exist which render the withdrawal of such land or a portion thereof expedient, the Master may issue his certificate describing the land or such portion thereof as the consent covers and as the Master deems proper, and in such a manner that the said certificate can be properly registered in the registry office for the registry division in which the land is situate, and upon the certificate being issued the said Act shall cease to apply to the land described therein, and the land shall thereafter be subject to the ordinary laws relating to real estate and to the registry laws.

Application of section. (3) This section applies to the Local Masters of Titles also; the certificate in such case shall require to be approved and countersigned by the Inspector.

Fee. (4) Upon the production of the certificate to the registrar of lands and payment of a fee of \$1, the same shall be duly registered.

#### AMENDMENTS OF LAND TITLES ACT.

48 V. c. 22, s. 22 amended. **10.** Section 22 of *The Land Titles' Act* is amended by striking item 8 out of the said section and by adding thereto the following sub-sections:—

Notice of easement. (2) Where the existence of any easement is proved the Master of Titles' may, if he thinks fit, enter notice thereof on the register.

Statement of easement on certificate, etc. (3) Where title is shewn to any easement appurtenant to the land being registered, the same may be stated in the entry of ownership and land certificate.

48 V. c. 22, s. 27 amended. **11.**—(1) Section 27 of the said Act is amended by adding to item (1) the following “and all taxes, rates, charges, rents, statute labour, or other impositions theretofore, or thereafter imposed or charged on the lands, and that in case of default, all payments made by the owner of the charge may be added to the principal money and bear interest.”

(2) The said section is also amended by adding the following sub-section:—

Provision where charge expressed to be made under R. S. O. c. 104. (3) Where any charge, whether under seal or not, is expressed to be made in pursuance of *The Act respecting Short Forms of Mortgages*, or refers thereto, and contains any form of words contained in items numbered, 1, 2, 3, 7, 8, 12, 14, 15 or 16, of column one, of schedule B to the last mentioned Act, or to the like effect, whether expressed in the first or third person, such words shall have the same meaning and effect as the words under the corresponding number in column two in the said schedule; the directions in the said schedule shall also apply to the said charge.



**12.** The following section is inserted as a new section after section 45 of the said Act:—

45*a*. The day, hour and minute, of the receipt of each instrument and copy of writ, shall be noted thereon, and for the purpose of priority between mortgagees, transferees and others, the time of the receipt shall be deemed the time of registration.

Time of receipt to be entered and to be deemed time of registration.

**13.** The following are inserted as sub-sections of section 51 of the said Act:—

(6) Where an execution or other writ is issued against the registered owner under a different name from that under which he or she is registered, the execution shall have no effect under this Act, unless the person who sues out the writ serves a notice on the Master of Titles, stating the name under which the execution debtor is registered, and otherwise in the form or to the effect prescribed, or unless a like notice is written upon the copy of the writ.

Notice to Master where writ issues against owner under a different name from that on the register.

(7) Where a transferor or transferee of land, or maker or owner of a charge, claims that a writ apparently affecting land does not affect the land or charge, he shall produce such evidence thereof as the Master may consider necessary, and the Master may require all parties interested to be notified of the application to register, without reference to the writ, the instrument under which the claim is made, and the Master may decide the question or may direct an issue or case to be tried and may make such order as to costs as he deems just.

Provision in case it is claimed that land is not affected by a writ apparently affecting same.

**14.** The following is substituted for sub-section 3 of section 89 of the said Act:—

A married woman shall for the purposes of this Act, be deemed a *feme sole*, and may execute without seal any bar of dower or other instrument required under this Act.

Execution of instruments by married women.

This amendment shall take effect from the time the said Act went into force.

**15.** Section 122 of the said Act is amended by inserting the words "Lieutenant-Governor in Council" before the word "Judges" in the first line, and substituting the words, "and may have regard to," for the words, "regard being had to."

48 V. c. 22, s. 122 amended.

**16.** Section 127 of the said Act is amended by adding thereto the following sub-section:—

(3) The stamps for all fees payable on a land certificate or a certificate of charge shall be affixed to the registered transfer or charge and not to the certificate, and all stamps payable in respect of registrations shall be affixed to the instruments registered and not to the entry in the register.

Stamps to be affixed to registered transfer or charge.

**17.** Where the amount to be paid into the assurance fund is not more than \$10, no fee shall be payable for a direction to the

Payment to assurance fund.

the bank to receive the same, and when the amount is payable in respect of a proceeding before the Local Master of Titles, the person desiring to pay the same may, at his own risk, transmit the amount by a money order, payable to "The Accountant of the Supreme Court at Toronto," in a registered letter addressed to the said Accountant, together with a requisition in the form in the schedule hereto.

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## SCHEDULE.

### FORM.

REQUISITION TO ACCOUNTANT TO RECEIVE MONEY TO CREDIT OF ASSURANCE FUND.

*Land Titles Act.*

The Accountant of the Supreme Court will please place to the credit of the Assurance Fund, under the above Act, the enclosed sum of \$ paid in respect of the registration under the above Act of lot 4 in the 1st Concession of the Township of (*or as the case may be*), with reference to which an application is now pending before the Local Master of Titles, at *Port Arthur*.

Dated at

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A. B.,  
Applicant,  
(*or Solicitor for Applicant.*)

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## CHAPTER 16.

An Act to extend the Land Titles Act to the out-lying Districts of the Province.

[*Assented to 23rd April, 1887.*]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Land Titles  
Act to be in  
force in out-  
lying districts.

1. From and after the day when the new Revision of the Statutes of Ontario comes into effect *The Land Titles Act, 1885*, as amended by subsequent Acts, shall be in force in the Districts of Algoma, Thunder Bay (including Rainy River), Muskoka, Parry Sound and Nipissing.

Letters Patent  
granting land  
to be sent to  
Local Master.

2.—(1) When Letters Patent for any land situated in any of the said districts are issued after the said date, the same shall be forwarded to the Local Master of Titles of the district, for the purpose of the patentee being entered as the first

first registered owner of the land, with any necessary qualification.

(2) Before making such entry the Local Master shall obtain from the registrar of the registry division a certificate stating what instruments, if any, have been registered affecting the land; and in case he finds that any such instrument has been registered, he shall give notice to the patentee and to all other persons interested, before registering the patentee as owner.

(3) In case there is no contest as to the rights of the parties the Local Master may make the requisite entry and issue his certificate; but in case of a contest, he shall transmit the papers to the Inspector of Titles before registering the patentee as owner, and shall otherwise proceed as provided in section 7 of *The Act to extend the operation of The Land Titles Act and otherwise amending the same*.

3.—(1) Before a Certificate of Ownership is issued, the patentee shall pay into the Assurance Fund, established under *The Land Titles Act*, one quarter of one per cent. on the value of the land patented, unless he elects to have the amount made a charge on the land; and his failure to pay the amount prior to the issue of the certificate shall be deemed an election.

(2) In that case a note shall be made on the register and on the certificate that the land is liable to pay the assurance fee; and no subsequent transfer or charge of the land, or any transmission thereof, shall be registered until the same, namely, one quarter of one per cent. on the value of the land at the time of the entry of the transfer, charge or transmission has been paid into the Assurance Fund.

4.—(1) Upon an entry of ownership being made as aforesaid the Local Master of Titles shall notify (Form A) the sheriff in whose bailiwick the lands lie, of the entry of the patentee as owner, and shall notify (Form B) the treasurer of the municipality, if the land is situated in a municipality, of the fact that the land has become subject to the said Act.

(2) The notices shall be sent by registered letter-post, and no entry of any dealing with the land shall be made in the register until fourteen days after the mailing of the notice, unless proof is previously made that the land is not liable to any execution or arrear of taxes.

(3) If within the fourteen days no copy of a writ of execution against the lands of the patentee is received from the sheriff, or no claim for arrear of taxes is received from the treasurer, the Local Master may assume that the land is not subject to any executions or taxes (other than taxes for the current year), and may enter subsequent dealings with the land accordingly; and as against such entry no claim shall afterwards be sustained



tained in respect of an execution against the patentee, or in respect of any taxes against the land except for the current year or for a subsequent year.

(4) In case the Local Master receives from the treasurer a claim for taxes on the land, he shall enter the claim against the land, and all dealings with the land shall be subject to such claim. In case of executions affecting the land, an entry thereof shall be made in like manner, and all dealings with the land shall be subject to such executions.

(5) Where notices are not required to be given on account of instruments having been registered against the land, or otherwise, the Local Master shall be entitled to charge his actual disbursements.

(6) Where notices or other proceedings are necessary on account of instruments being registered, or on account of a caution having been lodged, or otherwise, the Local Master shall be entitled to charge in addition to his disbursements the like fees as are payable to the Master of Titles in respect of similar proceedings.

Notice in  
list of  
patented lands  
sent to  
Registrar.

5. In case a list of patented lands, furnished to the registrar of a registry division by the Provincial Secretary under section 37 of *The Public Lands Act*, contains any land coming within this Act, it shall be stated in the list that such land is subject to *The Land Titles Act*, and the registrar shall, in the abstract index, enter the fact that the land is subject to the said Act, and shall not receive for registration any instrument affecting the land.

Act to be read  
with 48 V. c.  
22, and 50 V. c.  
15.

6. This Act shall be read as part of *The Land Titles Act, 1885*, and of *The Act to extend the operation of the Land Titles Act and otherwise amending the same*.

#### FORM A.

NOTICE TO SHERIFF THAT NEWLY PATENTED LANDS HAVE BECOME SUBJECT  
TO THE LAND TITLES ACT.

*To the Sheriff of*

Take notice that a Patent from the Crown of certain lands has been forwarded to me by the Crown Lands Department, in order that *A. B.*, of etc., the patentee therein named, should be entered, under *The Land Titles Act*, as owner thereof, and that such entry having been made in pursuance of the said Act, the said *A. B.*, will, at any time after fourteen days from this date, be at liberty to transfer, or charge, the said land free from all executions in your hands affecting his lands, unless before the expiry of the said time I receive from you copies certified under your hand of any writs in your hands, affecting the lands of the said *A. B.*, in accordance with section 51 of *The Land Titles Act, 1885*.

Dated the                      day of                      , 18 .

*C. D.*,  
Local Master of Titles,  
at

(Name place).

FORM

## FORM B.

## NOTICE TO THE TREASURER OF A MUNICIPALITY.

*To the Treasurer of the Township of*

Take notice that a Patent from the Crown for lot \_\_\_\_\_ in the Concession of \_\_\_\_\_, in the district of \_\_\_\_\_, has been forwarded to me by the Crown Lands Department in order that *A. B.*, the patentee therein named, should be entered under *The Land Titles Act* as owner thereof, and that such entry having been made, the said *A. B.* will, at any time after fourteen days from this date, be at liberty to transfer, or charge, the said lands free from all taxes, except those for the current year, unless before that time I receive from you a statement claiming that taxes for a previous year or years are owing upon the said land with full particulars of such claim.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 18 \_\_\_\_.

*C. D.*,

Local Master of Titles,  
at \_\_\_\_\_

(*Name place*).

## CHAPTER 17.

## An Act respecting the Driving of Saw Logs and other Timber on Lakes, Rivers, Creeks and Streams.

[*Assented to 23rd April, 1887.*]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following words wherever used in this Act have the following meanings, viz.:— Interpretation.

1. "Logs" mean and include saw logs, timber, posts, ties, cordwood, and other things being parts of trees.

2. "Water" means and includes lakes, ponds, rivers, creeks and streams.

2. Any person putting, or causing to be put, into any water in this Province, logs, for the purpose of floating the same in, upon or down such water, shall make adequate provisions and put on a sufficient force of men to break, and shall make all reasonable endeavours to break jams of such logs and clear the same from the banks and shores of such water with reasonable despatch, and run and drive the same so as not to unnecessarily delay or hinder the removal, floating, running or driving of other logs, or unnecessarily obstruct the floating or navigation of such water. Persons floating logs in river, etc., not to obstruct floating or navigation.

In case of neglect person obstructed may clear river, etc.

3. In case of the neglect of any person to comply with the provisions of the preceding section, it shall be lawful for any other person or persons desiring to float, run or drive logs in, upon or down such water, and whose logs would be thereby obstructed, to cause such jams to be broken and such logs to be cleared from the banks and shores of such water, and to be floated, run and driven in, upon and down such water.

Person clearing obstruction to use due care.

4. The person or persons causing such jams to be broken or such logs to be cleared, floated, run or driven, pursuant to the last preceding section, shall do the same with reasonable economy and despatch, and shall take reasonable care not to leave logs on the banks or shores, and shall have a lien upon the logs in the jam or so cleared, floated, run or driven for the reasonable charges and expenses of breaking the jams and the clearing, floating, running, driving, booming and keeping possession of such logs, and may take and keep possession of such logs, or so much thereof as may be reasonably necessary to satisfy the amount of such charges and expenses pending the decision by arbitration as hereinafter provided for. The person taking possession of logs under this section shall use all reasonable care not to take such logs beyond the place of their original destination, if known, but may securely boom and keep possession of the same at or above such place. The owner or person controlling such logs, if known, shall be forthwith notified of their whereabouts, and if satisfactory security be given for the amount of such charges and expenses, possession of the logs shall be given up.

Provision when logs of several owners are intermixed.

5. When logs of any person upon or in any water in this Province, or the banks or shores of such water, are so intermixed with logs of another person or persons, that the same cannot be conveniently separated for the purpose of being floated in, upon or down such water, then the several persons owning or controlling the intermixed logs, shall respectively make adequate provisions, and put on a fair proportion of the men required to break jams of such intermixed logs, and to clear the same from the banks and shores of such water with reasonable despatch, and to float, run and drive the same in, upon and down such water, and the costs and expenses thereof shall be borne by the parties in such proportions as they may agree upon, and in default of agreement as may be determined by arbitration as hereinafter provided for.

Provision when owner of any portion of logs is in default.

6. In case of neglect of any person to comply with the provisions of the last preceding section, it shall be lawful for any other person or persons whose logs are intermixed, to put on a sufficient number of men to supply the deficiency and break jams of such intermixed logs, and to clear the same from the banks and shores of such water, and to float, run and drive all such intermixed logs in, upon and down such water.



7. The person or persons supplying such deficiency and causing such jams to be broken, or such intermixed logs to be cleared, floated, run or driven pursuant to the last preceding section, shall do the same with reasonable economy and despatch, and shall take reasonable care not to leave logs on the banks or shores, and shall have a lien upon the logs owned or controlled by the person guilty of such neglect, for a fair proportion of the charges and expenses of breaking the jams, and the clearing, floating, running, driving, booming and keeping possession of such intermixed logs; and may take and keep possession of such logs, or so much thereof, as may be reasonably necessary to satisfy the amount of such fair proportion of charges and expenses pending the decision by arbitration as hereinafter provided for. The person taking possession of logs under this section shall use all reasonable care not to take such logs beyond the place of their original destination, if known, but may securely boom and keep possession of the same at or above such place. The owner or person controlling such logs, if known, shall be forthwith notified of their whereabouts, and if satisfactory security be given for the amount of such proportion of charges and expenses, possession of the logs shall be given up. Lien on logs.

8. When logs of any person, upon or in any water in this Province, or the banks or shores of such water, are intermixed with logs of another person or persons, then any of the persons whose logs are intermixed, may at any time during the drive, require his logs to be separated from the other logs at some suitable and convenient place, and after such separation he shall secure the same at his own cost and expense, in such manner as to allow free passage for such other logs; provided that when any logs so intermixed reach their place of original destination, if known, the same shall be separated from the other logs and after such separation the owner shall secure the same at his own cost and expense. Separation of logs.  
Proviso.

9. Theseveral persons owning or controlling the intermixed logs shall respectively make adequate provisions and put on a fair proportion of the men required to make the separation; the cost and expense of such separation shall be borne by the parties in such proportions as they may agree upon, and in default of agreement, as may be determined by arbitration as hereinafter provided. Expenses of separation to be shared.

10. In case of neglect of any person to comply with the provisions of the last preceding section, it shall be lawful for any other person or persons, whose logs are intermixed, to put on a sufficient number of men to supply the deficiency, and the logs owned by or controlled by the person guilty of such neglect shall be subject to a lien in favour of the person or persons supplying the deficiency, for a fair proportion of the charges and expenses of making the separation, and for the reasonable Provision when owner does not provide for his share of work.

reasonable charges and expenses of booming and keeping possession, and such person or persons may take and keep possession of such logs or so much thereof as may be reasonably necessary to satisfy the amount of such fair proportion of charges and expenses pending the decision by arbitration as hereinafter provided for. The person taking possession of logs under this section shall use all reasonable care not to take such logs beyond the place of their original destination, if known, but may securely boom and keep possession of the same at or above such place. The owner or person controlling such logs, if known, shall be forthwith notified of their whereabouts and if satisfactory security be given for the amount of such proportion of charges and expenses, possession of the logs shall be given up.

Form of security.

**11.** The security referred to in sections 4, 7 and 10 may be by bond in form A in the schedule hereto, or by deposit of money, or in such other way as the parties may agree upon.

Damages when person has detained logs or refused security.

**12.** If it be determined by arbitration, as hereinafter provided for, that any person acting under the assumed authority of this Act, has without just cause taken possession of or detained or caused to be taken possession of or detained logs of another person, or has after offer of security which the arbitrators may think should have been accepted, detained such logs, or has through want of reasonable care left logs of another person on the banks or shores or has taken logs of another person beyond the place of their original destination contrary to the provisions of sections 4, 7 or 10, then such first mentioned person shall pay to such last mentioned person such damages as the arbitrators may determine.

Lien under ss. 4, 7 and 10, subject to lien for tolls.

**13.** The lien given by sections 4, 7 and 10 of this Act shall be subject to the lien (if any) of any person or corporation for tolls or dues for the use of any works or improvements made use of in running or driving such logs.

Rights of Crown not affected.

**14.** Nothing in this Act shall affect the liens or rights of the Crown upon or in respect of any logs.

Disputes to be settled by arbitration.

**15.** All claims, disputes and differences arising under this Act shall be determined by arbitration as hereinafter provided and not by action or suit at law or in equity.

Appointment of arbitrators.

**16.** The person claiming that another person has not complied with the provisions of this Act, or claiming payment of any charges or expenses under this Act, or claiming a lien upon any logs, or claiming damages under section 12, shall give to such other person notice in writing stating the substance of the claims made, and appointing an arbitrator, and calling upon such other person to appoint an arbitrator within ten days after the service of such notice

notice; if such other person does not within such ten days appoint an arbitrator the Judge of the County or District Court of the county or district, or the Stipendiary Magistrate of the provisional county or the district, as the case may be, in which the logs in connection with which the claim or part of the claim is made, or the major portion of such logs are situate at the time of the service of such notice, shall, on the application of the person giving such notice, appoint a second arbitrator; the two arbitrators so appointed shall within ten days after the appointment of the said second arbitrator appoint a third; if such two arbitrators do not within such ten days appoint a third, the said Judge or Stipendiary Magistrate shall on the application of either party appoint such third arbitrator.

**17.** If any arbitrator refuses to act or becomes incapable of acting, or dies, and the parties do not concur in appointing a new arbitrator, the said Judge or Stipendiary Magistrate shall, on the application of either party, appoint such new arbitrator.

Appointment of new arbitrators.

**18.** The parties may agree that the arbitration shall be by one arbitrator instead of by three, and they may either agree upon the arbitrator or may apply to the said Judge or Stipendiary Magistrate to appoint one.

Parties may agree to have only one arbitrator.

**19.** The person on whom a claim is made and notice of arbitration served may at any time before the arbitration is entered upon or with leave of the arbitrators during the arbitration, give the claimant notice in writing by way of counterclaim, stating the substance of any claim arising under this Act which such person may have against the claimant, and such counterclaim, unless barred under section 26, shall be determined in the arbitration and an award made with respect thereto.

Counter claim.

**20.** The three arbitrators or the sole arbitrator, as the case may be, shall proceed with the arbitration with due despatch, and shall make their or his award in writing, under their or his hand within thirty days from the date of the appointment of such arbitrator, or the last of such three arbitrators, as the case may be. The parties may, by consent in writing, from time to time enlarge the time for making said award, or the said Judge or Stipendiary Magistrate may from time to time, either before or after the expiration of said time, enlarge the time for making said award.

Time within which award to be made.

**21.** The arbitrators or arbitrator may require the personal attendance and examination upon oath of the parties and their witnesses and the production of all books and documents relating to the matters in question, and may determine by whom the expense of the arbitration, and the costs of the parties shall be paid, and the amount thereof; any costs or expenses

Witnesses and evidence.



expenses payable to a person having a lien upon logs, by virtue of this Act shall be added to the amount of such lien.

R. S. O., c. 64,  
to apply.

**22.** Chapter 64 of the Revised Statutes of Ontario intituled *An Act respecting the costs of Arbitrations* applies to arbitrations under this Act.

Sale by person  
having lien.

**23.** The person or persons having a lien upon logs by virtue of this Act, may sell the same in order to realize the amount of such lien, and of the costs, charges and expenses connected with the sale. The arbitrators, or arbitrator, shall determine either by their award or by separate document the time, place and manner of such sale, and may, from time to time, give directions, in writing, respecting such sale, and the realization of such lien, and of the costs, charges and expenses connected therewith.

Award and  
directions to  
be final.

**24.** The award and directions, in writing, of any two of the three arbitrators, or of the sole arbitrator, as the case may be, shall be final and binding upon and shall be obeyed by the parties, and shall be valid notwithstanding any want or defect of form or other technical objection.

Compelling  
attendance of  
witnesses and  
production of  
documents.

**25.** The said Judge or Stipendiary Magistrate, as the case may be, may, on the application of either party, grant an order to compel any person or persons to attend and give evidence upon the arbitration and to produce all books and documents relating to the matters in dispute, and obedience to such order may be enforced in the same way as obedience to any order of such Judge or Stipendiary Magistrate made in a cause or matter pending before him in court may be enforced, and the person neglecting or refusing, without lawful excuse, to obey such order shall be liable to an action by any person aggrieved by such neglect or refusal for the damages sustained by him thereby.

Limitation  
of claims.

**26.** All claims arising under this Act shall be made by notice in writing under section 16, within one year after the same have arisen, otherwise they shall be barred.

Lieut.-Gov-  
ernor in  
Council may  
exempt  
districts from  
Act.

**27.** The Lieutenant-Governor in Council may from time to time by proclamation published in the *Ontario Gazette* declare that any portion or portions of this Province or any water therein shall, until further proclamation, be exempt from the operation of this Act. and thereupon the same shall be exempt accordingly.

district ex-  
empted may  
be brought  
under Act.

**28.** Any portion or portions of the Province, or any water therein exempted by proclamation from the operation of this Act, may by proclamation published in the *Ontario Gazette*, be again brought within its operation until further proclamation, and so on from time to time.

**29.** This Act may be cited and known as *The Saw Logs Short title. Driving Act, 1887.*

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### SCHEDULE.

#### FORM A.

Know all men by these presents that we (*here insert names of obligors, being the owner of the logs and at least one sufficient surety; or, if the signature of the owner cannot be obtained without unreasonable delay, then being two sureties*)

, are held and firmly bound unto A. B. (*here insert the name of the person claiming the lien*) in the penal sum of (*double the amount of the claim*) \$ , to be paid to the said A. B., his executors, administrators and assigns, for which payment well and truly to be made, we, and each of us, bind ourselves, and each of us our and each of our executors and administrators jointly and severally, firmly by these presents, sealed with our seals, and signed by us this      day of      , A.D., 18      .

Whereas the said A. B., claiming to act under the authority of *The Saw Logs Driving Act, 1887*, has taken possession of certain (saw logs, timber, etc., *as the case may be*) owned or controlled by      , and claims a lien thereon for the sum of \$      , under the provisions of section (4, 7 or 10, *as the case may be*) of the said Act.

And whereas this bond is given as security for payment to the said A. B., of such sum as he may be held entitled to by arbitration pursuant to the said Act, and of any costs and expenses of the arbitration which may become payable to him.

Now the condition of the above obligation is such that if the said      , his executors or administrators do pay to the said A. B., his executors, administrators or assigns, such sum as may be determined by arbitration pursuant to the said Act, to be payable to the said A. B., his executors, administrators or assigns, for charges and expenses under section (4, 7 or 10, *as the case may be*) of said Act, and also such sum as may become payable to the said A. B., his executors, administrators or assigns, for costs and expenses of such arbitration, then the above obligation to be void, otherwise to remain in full force.

Signed, sealed and delivered }  
in the presence of }

[SEAL]

[SEAL]

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## CHAPTER 18.

### An Act respecting the publicity of certain matters affecting Traders.

[Assented to 23rd April, 1887.]

**W**HEREAS, it is expedient in the public interest that the Preamble.  
records of writs issued, judgments entered, and chattel mortgages and bills of sale, filed in the offices of the registrars and deputy-registrars of the High Court of Justice, and of the clerks of the County Courts in this Province, should be made reasonably accessible to the public;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

All books in which writs, judgments, etc., are entered to be open to inspection.

1. Every person shall hereafter have access to and be entitled to inspect the several books of the High Court of Justice and of the County Courts, containing records or entries of the writs issued, judgments entered, and chattel mortgages and bills of sale filed; and no person desiring such access or inspection shall be required, as a condition to his right thereto, to furnish the names of the parties or the style of the causes or matters in respect of which such access or inspection is sought; and the registrars and deputy-registrars of the High Court of Justice and all clerks of the County Courts of the Province respectively, shall, upon demand or request, produce for inspection any writ of summons or copy thereof, and any judgment roll, or chattel mortgage, or bill of sale so issued, entered or filed in their respective offices, or of which records or entries are, by law, required to be kept in such several books of the High Court of Justice and County Courts respectively.

Fees.

2. The fees payable in respect of such inspection of books shall be twenty-five cents as for a general search, and ten cents for each writ of summons, judgment roll, chattel mortgage, or bill of sale so inspected, and ten cents per folio shall also be payable for all extracts, whether made by the person who makes the search or by the officer.

## CHAPTER 19.

An Act to make further provisions respecting Assignments for the Benefit of Creditors.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

48 V. c. 26, s.  
3 (1) amended.

1. Section 3 of *The Act respecting Assignments for the benefit of creditors*, sub-section 1, is amended by inserting after the word "assignee" in the third line the words "resident within the Province of Ontario."

48 V. c. 26, s.  
3, amended.

2. The said section is further amended by cancelling the following words:—"Unless an assignment for the general benefit of creditors is made within one month after the payment;"

And



And by inserting the following at the end of sub-section one :—

- (a) In case of a valid sale of goods, securities or property, and payment or transfer of the consideration or part thereof by the purchaser to a creditor of the vendor, under circumstances which would render void such a payment or transfer by the debtor personally and directly, the payment or transfer, even though valid as respects the purchaser, shall be void as respects the creditor to whom the same is made.

3. The said section is further amended by adding the following sub-sections :— 48 V. c. 26, s. 3, amended.

1a. Every assignment for the general benefit of creditors which is not void under section 2 of this Act, but is not made to the sheriff, nor to any other person with the prescribed consent of creditors, shall be void as against a subsequent assignment which is in conformity with this Act, and shall be subject in other respects to the provisions of this Act until and unless a subsequent assignment is executed in accordance with this Act.

2a. In case a payment has been made which is void under this Act, and any valuable security was given up in consideration of the payment, the creditor shall be entitled to have the security restored, or its value made good to him before, or as a condition of, the return of the payment.

And by striking out sub-section 3.

4. Sub-section 4 of the same section is amended by adding thereto the following words: "and residing in this Province." 48 V. c. 26, s. 3 (4) amended.

5. Sub-section 4 of section 18 of the said Act is hereby amended by striking out the word "debtor" in the seventh line thereof and substituting therefor the word "creditor." 48 V. c. 26, s. 18 (4) amended

6. The said Act is further amended by adding to sub-section 1 of section 19, the following words: 48 V. c. 26, s. 19 (1), amended.

- (a) "In case a person claiming to be entitled to rank on the estate assigned, does not within a reasonable time after receiving notice of the assignment and of the name and address of the assignee, furnish to the assignee satisfactory proofs of his claim as provided by this and the preceding sections of this Act, the Judge of the County Court of the county wherein the debtor at the time of making the assignment resided or carried on business, may, upon a summary application by the assignee or by any

any other person interested in the debtor's estate (of which application at least three days' notice shall be given to the person alleged to have made default in proving a claim as aforesaid), order that unless the claim be proved to the satisfaction of the Judge within a time to be limited by the order, the person so making default shall no longer be deemed a creditor of the estate assigned, and shall be wholly barred of any right to share in the proceeds thereof; and if the claim is not so proved within the time so limited, or within such further time as the said Judge may by subsequent order allow, the same shall be wholly barred, and the assignee shall be at liberty to distribute the proceeds of the estate as if no such claim existed, but without prejudice to the liability of the debtor therefor."

1b. "The preceding sub-section is not intended to interfere with the protection afforded to assignees, by *The Act to amend the Act respecting Trustees and Executors, and the Administration of Estates.*"

48 V. c. 26, s.  
19, amended.

7. Section 19 of *The Act respecting Assignments for the benefit of creditors* is further amended by adding the following sub-section :

(3). At any time after the assignee receives from any person claiming to be entitled to rank on the estate, proof of his claim, notice of contestation of the claim may be served by the assignee upon the claimant. Within thirty days after the receipt of the notice, or such further time as a Judge of the County Court of the county in which the assignment is registered may on application allow, an action shall be brought by the claimant against the assignee to establish the claim, and a copy of the writ in the action served on the assignee; and in default of such action being brought and writ served within the time aforesaid, the claim to rank on the estate shall be for ever barred.

(a) The notice by the assignee shall contain the name and place of business of one of the solicitors of the Supreme Court of Judicature for Ontario, upon whom service of the writ may be made; and service upon such solicitor shall be deemed sufficient service of the writ.

Meeting of  
creditors to  
be called by  
assignee.

8. Within two days after the receipt of a request in writing signed by a majority of the creditors having claims duly proved of \$100 and upwards, computed according to the provisions of section 18 of the said Act, it shall be the duty of the assignee to call a meeting of the creditors at a time not later than twelve days after the assignee receives the request. In

case

case of default the assignee shall be liable to a penalty of \$25 for every day after the expiration of the time limited for the calling of the meeting until the meeting is called.

9. In case no remuneration is voted to the assignee by the creditors, or the inspectors, as provided by section 11 of the said Act, the amount shall be fixed by the said Judge. Remuneration of assignee.

10. In case of an assignment to the sheriff, he shall not be liable for any of the penalties imposed in section 13 of the said Act, unless he has been paid or tendered the cost of advertising and registering the assignment, nor shall he be compelled to act under assignment until his costs in that behalf are paid or tendered to him. Liability of sheriff.

11. In case a sufficient number of creditors do not attend the meeting mentioned in section 16 of the said Act, or fail to give directions with reference to the disposal of the estate, the Judge of the County Court may give all necessary directions in that behalf. Judge to give directions in case creditors neglect to do so.

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## CHAPTER 20.

### An Act to amend the Mechanics' Lien Act.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of *The Mechanics' Lien Act, 1882*, is amended by adding thereto the following words: "but such lien during the said periods shall have the same priority for all purposes before as after registration." 45 V. c. 15, s. 6, amended.



## CHAPTER 21.

## An Act respecting the Guardianship of Minors.

[Assented to 23rd April, 1887.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Court may make order as to custody of and right of access to infants.

1.—(1) The High Court or Surrogate Court, or any Judge of either Court, may, upon the application of the mother of an infant (who may so apply without next friend) make such order as the Court or Judge sees fit regarding the custody of the infant, and the right of access thereto of either parent, having regard to the welfare of the infant, and to the conduct of the parents, and to the wishes as well of the mother as of the father, and may afterwards alter, vary or discharge the order on the application of either parent, or, after the death of either parent, of any guardian under the Act, and in every case may make such order respecting the costs of the mother and the liability of the father for the same, or otherwise as to costs as such Court or Judge may think just.

Order as to maintenance.

(2) The Court or Judge may also make order for the maintenance of the infant by payment by the father thereof, or by payment out of any estate to which the infant is entitled, of such sum or sums of money from time to time as according to the pecuniary circumstances of the father or the value of the estate the Court or Judge thinks just and reasonable.

On death of father, mother to be guardian alone, or jointly with others.

2.—(1) On the death of the father of an infant, after the passing of this Act, or where the father died prior to the passing of this Act, the mother, if surviving, shall be the guardian of the infant, either alone, when no guardian has been appointed by the father, or jointly with any guardian appointed by the father.

(2) Where no guardian has been appointed by the father, or if the guardian or guardians appointed by the father is or are dead, or refuses or refuse to act, the Court or Judge may from time to time appoint a guardian or guardians to act jointly with the mother, as such Court or Judge shall see fit.

Mother may appoint guardian in certain cases.

3.—(1) The mother of an infant may, by deed or will, appoint any person or persons to be guardian or guardians of the infant after the death of herself and the father of the infant (if the infant be then unmarried), and where guardians are appointed by both parents they shall act jointly.

(2) The mother of an infant may, by deed or will, provisionally nominate some fit person or persons to act as guardian

or

or guardians of the infant after her death jointly with the father of the infant, and the Court or a Judge after her death, if it be shewn to the satisfaction of the Court or a Judge that the father is for any reason unfitted to be the sole guardian of his children, may confirm the appointment of such guardian or guardians, who shall thereupon be empowered to act as aforesaid, or make such other order in respect of the guardianship as the Court or Judge shall think right.

4. In the event of guardians being unable to agree among themselves or with the father upon a question affecting the welfare of an infant, any of them or the father may apply to the Court for its direction, and the Court, or Judge, may make such orders regarding the matter in difference as to the Court or Judge seems proper.

Direction by Court on matters affecting infant.

5. All guardians appointed or constituted by virtue of this Act shall, unless their authority be otherwise limited, have the power and authority as to the person and estate of the infants set forth in section 9 of *The Act respecting Guardians of Infants*.

Authority of guardians.  
R.S.O. c. 132.

6. Testamentary guardians and trustees, and guardians appointed or constituted by virtue of this Act shall be removable by the Court or Judge, for the same causes as other guardians and trustees.

Removal of guardians.

7. The Surrogate Court or Judge herein referred to, is the Surrogate Court or Judge of the county where the infant or respondents, or any of them, reside.

Surrogate Court or Judge, meaning of.

8. In addition to any appeal allowed by law from the Surrogate Court, under section 31 of *The Surrogate Courts' Act*, chapter 46 of the Revised Statutes, an appeal shall lie within the same time and in the same manner as provided by said section to the Court of Appeal, or to a single Judge of said Court, from any order, sentence or judgment of any Surrogate Court or Judge thereof, under this Act, respecting the custody or control of, or right of access to an infant or from any order, sentence or judgment made under sections 2, 3 and 4, of this Act.

Appeal.

9. This Act or anything therein contained does not apply to any children as to whom any application has heretofore been made to any Court or Judge with respect to their custody or maintenance, whether such application is or is not now pending.

Application of Act.

10. Sections 8, 9 and 10 of *The Act respecting Guardians of Infants*, are hereby repealed.

R. S. O. c. 132, ss. 8-10, repealed.

## CHAPTER 22.

## An Act to amend the Workmen's Compensation for Injuries Act, 1886.

[Assented to 23rd April, 1887.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

49 V. c. 28, s.  
17, amended.

1. Section 17 of *The Workmen's Compensation for Injuries Act, 1886*, is hereby amended by omitting therefrom the words "lapse of one year from and after the commencement thereof," and inserting instead thereof the words following: "first day of April, in the year one thousand eight hundred and eighty eight."

49 V. c. 28, s.  
17, further  
amended.

2. Said section 17 of said Act is hereby further amended by adding thereto the words following:—"Provided, moreover, that notwithstanding anything in this section contained, this Act shall be held to apply to every railway company and employer in respect of any personal injury within the meaning of this Act, caused to a workman who is not a member of the insurance and provident society or association so established by the company or employer as aforesaid, and in respect of any action for the recovery of compensation for any such last mentioned injury."

## CHAPTER 23.

## An Act respecting Distress for Rent and Taxes.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Goods exempt  
from execution  
to be exempt  
from distress.

1—(1) The goods and chattels exempt from seizure under execution, shall not be liable to seizure by distress by a landlord for rent in respect of a tenancy created after this Act comes into force, except as hereinafter provided; nor shall such goods be liable to seizure by distress by a collector of taxes accruing after this Act comes into force, unless they are the property of the person actually assessed for the premises, and whose name also appears upon the collector's roll for the year as liable therefor. (2)



(2) The person claiming such exemption shall select and point out the goods and chattels as to which he claims exemption.

2.—(1) A landlord shall not distrain for rent on the goods and chattels the property of any person except the tenant or person who is liable for the rent, although the same are found on the premises; but this restriction shall not apply in favour of a person claiming title under or by virtue of an execution against the tenant, or in favour of any person whose title is derived by any purchase, gift, transfer, or assignment from the tenant, whether absolute or in trust, or by way of mortgage or otherwise, nor to goods on the premises in the possession of the tenant under a contract for purchase, or by which he may or is to become the owner thereof upon performance of any condition, nor where goods have been exchanged between two tenants or persons by the one borrowing or hiring from the other for the purpose of defeating the claim of or the right of distress by the landlord; nor shall the restriction apply where the property is claimed by the wife, husband, daughter, son, daughter-in-law, or son-in-law of the tenant, or of any other relative of his in case such other relative lives on the premises as a member of the tenant's family.

Goods on premises not property of tenant to be exempt.

(2) Nothing in this section contained shall exempt from seizure by distress goods or merchandise in a store or shop managed or controlled by an agent or clerk for the owner of such goods or merchandise when such clerk or agent is also the tenant and in default and the rent is due in respect of the store or shop and premises rented therewith and thereto belonging, when such goods would have been liable to seizure but for this Act.

(3) The word "tenant" in this section shall extend to and include the sub-tenant and the assigns of the tenant and any person in actual occupation of the premises under or with the assent of the tenant during the currency of the lease, or while the rent is due or in arrear, whether he has or has not attorned to or become the tenant of the landlord.

(4) In case of an assignment for the general benefit of creditors the preferential lien of the landlord for rent is restricted to the arrears of rent due during the period of one year last previous to the execution of such assignment, and from thence so long as the assignee shall retain the premises leased.

3.—(1) A tenant may set-off against the rent due a debt due to him by the landlord.

Right of set-off.

(2) The set-off may be by a notice in the form or to the effect following, and may be given before or after the seizure:

Take

Take notice, that I wish to set-off against rent due by me to you, the debt which you owe to me on your promissory note for \_\_\_\_\_, dated \_\_\_\_\_ (or for eight months' wages at \$20 per month, \$160,) (*or as the case may be*).

In case of such notice the landlord shall only be entitled to distrain for the balance of rent after deducting any debt justly due by him to the tenant.

Tenant claiming exemption must surrender premises.

4.—(1) A tenant who is in default for non-payment of rent and claims the benefit of the exemption to which he is entitled under this Act, must give up possession of the premises forthwith, or be ready and offer to do so.

(2) The offer may be made to the landlord or to his agent; and the person authorized to seize and sell the goods and chattels, or having the custody thereof for the landlord, shall be considered an agent of the landlord for the purpose of the offer and surrender to the landlord of the possession.

(3) The surrender of possession in pursuance of the landlord's notice shall be a determination of the tenancy.

(4) Where a landlord desires to seize the exempted goods, he shall, after default has been made in the payment of rent and before or at the time of seizure serve the tenant with a notice which shall inform the tenant what amount is claimed for rent in arrear, and that in default of payment, if he gives up possession of the premises to the landlord after service of the notice, he will be entitled to claim exemption for such of his goods and chattels as are exempt from seizure under execution, but that if he neither pays the rent nor gives up possession his goods and chattels will be liable to seizure, and will be sold to pay the rent in arrear and costs.

(5) The notice may be in the following form or to the like effect:

Take notice that I claim \$ \_\_\_\_\_ for rent due to me in respect of the premises which you hold as my tenant, namely, (*here briefly describe them*); and unless the said rent is paid, I demand from you immediate possession of the said premises; and I am ready to leave in your possession such of your goods and chattels as in that case only you are entitled to claim exemption for.

Take notice further, that if you neither pay the said rent nor give me up possession of the said premises after the service of this notice, I am by law entitled to seize and sell, and I intend to seize and sell all your goods and chattels, or such part thereof as may be necessary for the payment of the said rent and costs.

This notice is given under the Act of the Legislature of Ontario, respecting distress for rent or taxes.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D.

(Signed) A. B. (*landlord*).

To C. D. (*tenant*.)

(6)

(6) Service of papers under this Act shall be made either personally or by leaving the same with some grown person being in and apparently residing on the premises occupied by the person to be served.

(7) If the tenant cannot be found and his place of abode is either not known, or admission thereto cannot be obtained, the posting up of the paper on some conspicuous part of the premises, shall be deemed good service.

(8) No proceeding under this section shall be deemed defective or rendered invalid by any objection of form.

5. Where a landlord has by law a right to enter for non-payment of rent, it shall not be necessary to demand the rent on the day when due, or with the strictness required at common law, and a demand of rent shall suffice notwithstanding more or less than the amount really due is demanded, and notwithstanding other requisites of the common law are not complied with: provided that, unless the premises are vacant, the demand be made fifteen days at least before entry; such demand to be made on the tenant personally anywhere, or on his wife or some other grown up member of his family on the premises.

Common law, strict demand of rent dispensed with when landlord entitled to re-enter.

6. When growing or standing crops, which may be seized and sold under execution, are seized for rent, they may, at the option of the landlord or upon the request of the tenant, be advertised and sold in the same manner as other goods, and it shall not be necessary for the landlord to reap, thresh, gather or otherwise market the same.

Sale of growing crops.

7. Any person purchasing a growing crop at such sale, shall be liable for the rent of the lands upon which the same is growing at the time of the sale, and until the crop shall be removed, unless the same has been paid or has been collected by the landlord, or has been otherwise satisfied, and the rent shall as nearly as may be be the same as that which the tenant whose goods were sold was to pay, having regard to the quantity of land and to the time which the purchaser shall occupy it.

Liability of purchaser of growing crops.

8. No costs shall be levied for or in respect of the seizure upon exempted goods when they may not be lawfully sold, and when sold no greater sum in all than \$2, and actual and necessary payments for possession money, shall be levied or retained for or in respect of costs and expenses of sale of such exempted goods.

Costs in respect of seizure of exempted goods.

9. When the sum to be levied by distress for rent or for any penalty exceeds the sum of \$80 no further charges shall be made for or in respect of costs or expenses by any person making the distress or employed in doing any act in

Scale of fees.



R. S. O. c. 65. in the course of such distress than such as are set forth in schedule A of the Act entitled *An Act respecting the costs of levying distresses for small rents and penalties*, than the following, that is to say :

- (a) The actual expenses or outlay reasonably incurred in removing the goods distrained or part thereof when such removal is necessary :
- (b) Advertisement when necessarily published in a newspaper \$2.50 ; but not exceeding \$5.00.
- (c) If any printed advertisement otherwise than in a newspaper \$1.00 ; but not to exceed \$3.00.
- (d) The sum of \$1.00 per day for man keeping possession, in lieu of seventy-five cents per day.
- (e) Where the amount due shall be satisfied in whole or in part, after seizure and before sale, the bailiff or person seizing shall be entitled to charge and receive but three per cent. on the amount realized, in lieu of five per cent., and no more.

#### Penalties.

**10.** Any person who offends against sections 8 or 9 of this Act shall be liable to the penalties provided by section 2 of *The Act respecting the costs of levying distresses for small rents and penalties*, and the proceedings may be had and taken for the punishment of the offender and the imposition and collection of such penalties as are provided by section 2 and subsequent sections of said last-mentioned Act. Section 8 and the subsequent sections of this Act shall be read with and as part of the said Act.

#### Taxation of costs.

**11.** The person whose goods are distrained or the person authorizing the distress, or any other person interested may upon giving two days' notice in writing have the costs of the bailiff or other person making the distress and the disbursements charged taxed by the clerk of the Division Court within whose division the distress has been made.

#### Persons making distresses to give bill of costs to clerk for taxation.

**12.** The bailiff or person so making the said distress shall furnish the said clerk with a copy of his said costs, charges and disbursements for taxation at the time mentioned in the notice or at such other time as the said clerk may direct, and in default of his so doing he shall not be entitled to any costs, charges or disbursements whatever.

#### Duty of clerk on taxation.

**13.** The clerk upon such taxation shall, amongst other things, consider the reasonableness of any charges for removal, keeping possession, and for advertising, or any sums alleged to have been paid therefor, and may examine either party on oath touching the same. The person requiring the taxation shall pay the clerk a fee of twenty-five cents therefor.

**14.** Where that portion of the bill or charges in dispute amounts to the sum of \$10, either party may, on giving two days' notice, have the taxation revised by the clerk of the county court. He shall be paid a fee of fifty cents for such revision by the person appealing, and it may, in the discretion of the clerk, be deducted from or added to the bill as finally taxed by him. Revision of taxation.

**15.** In any proceedings taken under section 2 of *The Act respecting the costs of levying distresses for small rents and penalties* the taxation shall not be received as conclusive evidence. Taxation not conclusive on proceedings under R. S. O. c. 65, s. 2.

**16.** Sections 1, 2, 3, 4 and 8 shall apply only to tenancies created after this Act shall come into force. Application of ss. 1-4, and 8.

**17.** This Act shall come into force on the first day of October, 1887. Commencement of Act.

## CHAPTER 24.

### An Act to Amend the Ontario Medical Act.

[Assented to 23rd April, 1887.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

**1.** Clause "Firstly" of section 6 of *The Ontario Medical Act*, being chapter 142, of the Revised Statutes of Ontario, is hereby repealed and the following substituted therefor:— R. S. O. c. 142, s. 6, clause "Firstly" repealed.

**Firstly.**—One member to be chosen from each of the Universities, Colleges and Bodies hereinafter designated, to wit:— Representatives.  
The University of Toronto, the Queen's University and College, of Kingston, the University of Victoria College, the University of Trinity College, the Royal College of Physicians and Surgeons, Kingston, the Toronto School of Medicine, Trinity Medical School, the Ottawa University, Regiopolis College, the Western University, and of every other University, College or Body in the Province, now by law authorized, or which may be hereafter authorized, to grant degrees in medicine and surgery, and which establishes and maintains to the satisfaction of the College of Physicians and Surgeons of Ontario, a Medical Faculty in connection therewith.

**2.** No duly registered member of the College of Physicians and Surgeons of Ontario, shall be liable in any action for negligence Limitation of actions for negligence.

negligence or mal-practice, by reason of professional services requested or rendered; unless such action be commenced within one year from the date when in the matter complained of such professional services terminated.

R.S.O. c. 142, s. 34 repealed. **3.** Section 34 of the said Act is hereby repealed and the following substituted therefor:—

Erasing names from register.

**34.—(1)** Where any registered medical practitioner has either before or after the passing of this Act and either before or after he is so registered been convicted either in Her Majesty's dominions or elsewhere of an offence, which if committed in Canada, would be a felony or misdemeanour, or been guilty of any infamous or disgraceful conduct in a professional respect, such practitioner shall be liable to have his name erased from the register.

**(2)** The council may, and upon the application of any four registered medical practitioners, shall cause enquiry to be made into the case of a person alleged to be liable to have his name erased under this section and on proof of such conviction or of such infamous or disgraceful conduct, shall cause the name of such person to be erased from the register: provided, that the name of a person shall not be erased under this section on account of his adopting, or refraining from adopting the practice of any particular theory of medicine or surgery, nor on account of a conviction for a political offence out of Her Majesty's dominions, nor on account of a conviction for an offence which though within the provisions of this section ought not, either from the trivial nature of the offence, or from the circumstances under which it was committed, to disqualify a person from practising medicine or surgery.

**(3)** The council may order to be paid out of any funds at their disposal such costs as to them may seem just to any person against whom any complaint has been made which when finally determined is found to have been frivolous and vexatious.

Restoring names to register.

**4.—(1)** Where the council direct the erasure from the register of the name of any person, or of any other entry, the name of that person or that entry shall not be again entered on the register, except by the direction of the council, or by the order of a Judge or of a Court of competent jurisdiction.

**(2)** If the council think fit in any case, they may direct the registrar to restore to the register any name or entry erased therefrom either without fee or on payment of such fee, not exceeding the registration fee, as the council may, from time to time, fix, and the registrar shall restore the same accordingly.

Committee for erasing and restoring names.

**5.—(1)** The council shall for the purpose of exercising in any case the powers of erasing from and of restoring to the register



register the name of a person or any entry, ascertain the facts of such case by a committee of their own body not exceeding five in number, of whom the quorum shall be not less than three, and a written report of the committee may be acted upon as to the facts therein stated for the purpose of the exercise of the said powers by the council.

(2) The council shall from time to time appoint, and shall always maintain a committee for the purposes of this section, and subject to the provisions of this section may from time to time determine the constitution, and the number and tenure of office of the members of the committee.

(3) The committee shall meet, from time to time, for the despatch of business and subject to the provisions of this section and of any regulations from time to time, made by the council, may regulate the summoning, notice, place, management and adjournment of such meetings, the appointment of a chairman, the mode of deciding questions, and generally the transaction and management of business including the quorum, and if there is a quorum the committee may act notwithstanding any vacancy in their body. In case of any vacancy the committee may appoint a member of the council to fill the vacancy until the next meeting of the council.

(4) A committee under this section may, for the purpose of the execution of their duties under this Act, employ, at the expense of the council such legal, or other assessor or assistant as the committee may think necessary or proper; and the person whose conduct is the subject of enquiry shall also have the right to be represented by counsel; provided that all meetings of any such committee when held for taking evidence or otherwise ascertaining the facts shall be held within the county where the member complained of resides or the alleged offence has been committed.

(5) At least two weeks before the first meeting of the committee to be held for taking the evidence or otherwise ascertaining the facts, a notice shall be served upon the person whose conduct is the subject of enquiry, and such notice shall embody a copy of the charges made against him or a statement of the subject matter of the enquiry, and shall also specify the time and place of such meeting; the testimony of witnesses shall be taken under oath, which the chairman or acting chairman of the committee is hereby authorized to administer, and there shall be full right to cross-examine all witnesses called and to call evidence in defence and reply; in the event of the non-attendance of the person whose conduct is the subject of such enquiry, the committee may, upon proof of personal service of the notice aforesaid in accordance with the provisions of this section, which proof of service may be by statutory declaration, proceed with the subject matter of the enquiry in his absence and make their report of the facts without further notice to such person.

Appeal from  
committee.

6. No action shall be brought against the council or the committee for anything done *bona fide* under this Act, notwithstanding any want of form in the proceedings, but any person whose name has been ordered to be erased from the register may appeal from the decision of the council to any Judge of the High Court of Justice for Ontario, at any time within six months from the date of the order for such erasure, and such Judge may, upon the hearing of such appeal, make such order as to the restoration of the name so erased or confirming such erasure, or for further enquiries by the committee or council into the facts of the case, and as to costs as to such Judge shall seem right in the premises.

Procedure.

7. The appeal may be by summons served upon the registrar to shew cause, and shall be founded upon a copy of the proceedings before the committee—the evidence taken, the committee's report and the order of the council in the matter—certified by the registrar, and the registrar shall, upon the request of any person desiring to appeal, furnish to any such person a certified copy of all proceedings, reports, orders and papers, upon which the committee have acted in making the order complained of.

## CHAPTER 25.

### An Act respecting Land Surveyors and the survey of Lands.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Interpreta-  
tion.

1. The expression "Commissioner of Crown Lands," wherever it occurs in this Act, shall mean the person discharging the duties of that officer. R. S. O. 1877, c. 146, s. 1.

#### LAND SURVEYORS.

Who may act  
as land sur-  
veyor.

2. No person shall act as a surveyor of lands within this Province unless he has been duly authorized to practise as a land surveyor according to the provisions of this Act, or had been so authorized before the passing thereof, according to the laws then in force, under a penalty of \$40. R. S. O. 1877, c. 146, s. 2.

#### BOARD OF EXAMINERS.

Board of ex-  
aminers.

3. There shall be a board of examiners for the examination of candidates for admission to practise as land surveyors to consist

consist of the Commissioner of Crown Lands, the Professor of Mineralogy and Geology in University College, Toronto, and eight other competent persons to be appointed from time to time by the Lieutenant-Governor, who shall meet at the city of Toronto for the examination of candidates for admission to practise as land surveyors in Ontario. R. S. O. 1877, c. 146, s. 3 ; 43 V. c. 17, s. 1.

4.--(1) Each member of the board, save and except the Oath of Office. Commissioner of Crown Lands, shall take an oath of office before a Judge of the High Court or of any County Court : and any three of the members shall form a quorum.

(2) The following shall be the form of the oath of office;

I, \_\_\_\_\_ of \_\_\_\_\_  
having been appointed a member of the Board of Examiners for the admission of Provincial Land Surveyors for the Province of Ontario, do sincerely promise and swear that I will faithfully discharge the duties of such office without favour, affection or partiality: So help me God.

Sworn before me

at  
this day  
of 18

R. S. O. 1877. c. 146, s. 4.

5. The said board, or a majority thereof, shall from time to time appoint a fit and proper person to be secretary of the board, who shall attend the sittings thereof, and keep a record of its proceedings. R. S. O. 1877, c. 146, s. 5.

6. The said board shall meet at the office of the Commissioner of Crown Lands, on the first Monday in each of the months of April and November, in every year, unless such Monday be a holiday (in which case they shall meet on the day next thereafter, not being a holiday), and may adjourn such meeting from time to time if they deem it necessary. R. S. O. 1877, c. 146, s. 6.

## APPRENTICES.

7. No person shall be admitted as an apprentice with any provincial land surveyor unless he has previously passed an examination before the board of examiners as to his penmanship and orthography, fractions, decimals, square-root, logarithms, algebra (including equations to the first degree), Euclid (first four books), plane trigonometry, the rules for spherical trigonometry, mensuration of superficies, the use of ruling pen and construction of plain and comparative scales, and has obtained a certificate of having passed such examination, and of his proficiency from the board. R. S. O. 1877, c. 146, s. 7.

8. Before being so examined he shall pay into the fee fund <sup>Examination</sup> <sub>fee.</sub> the



the sum of \$10 as the fee due by him on the examination, and a further sum of \$2 to the secretary for the said certificate. R. S. O. 1877, c, 146, s. 8.

Notice to be given by applicants.

**9.** Applicants for examination previous to apprenticeship shall give one month's notice to the secretary of the board of their intention to present themselves for examination, and pay to the secretary a fee of \$1 for receiving and entering such notice. R. S. O. 1877, c. 146, s. 9.

#### QUALIFICATION FOR ADMISSION TO PRACTISE.

Qualification for admission to practise.

**10.** Except as hereinafter provided no person shall be admitted to practise as a land surveyor in and for Ontario until he has attained the full age of 21 years, and has passed an examination before the board of examiners in the following subjects, viz., geometry, including the first six books of Euclid, (with the exception of the last thirteen propositions of the fifth book), algebra, including progressions, plane and spherical trigonometry, mensuration of superficies, laying out and dividing of land, descriptions by metes and bounds for deeds and other documents, the use and adjustment of surveying and levelling instruments, the laying out of curves, practical astronomy, including finding of time, latitude, longitude, azimuth, variation of the compass, and drawing meridian lines, the Acts relating to the survey of lands in Ontario, the general mining Act, the registry Act, so far as it refers to plans, the municipal Acts, so far as they relate to roads, surveys and drainage, the ditches and watercourses Act, the theory and practice of levelling, the principles of evidence, drawing of affidavits, taking of field notes and preparing plans, the rudiments of geology and mineralogy, and the sufficiency of his surveying instruments, and has served regularly and faithfully, for three successive years, under an instrument in writing, duly executed before two witnesses as apprentice to a land surveyor for Ontario, duly admitted, and practising therein as such, nor until he has received from the said land surveyor a certificate of his having so served during the said period, or proves to the satisfaction of the board that he has so served. R. S. O. 1877, c. 146, s. 10.

Admission of persons previously admitted in any part of Her Majesty's dominions.

**11.** It shall not be necessary for any land surveyor, duly admitted to practise in any of Her Majesty's dominions other than this Province, to serve under an instrument in writing during three years as aforesaid, but it shall only be necessary for any such person admitted in the Province of Quebec so to serve during six months of actual practice in the field with a land surveyor duly admitted and practising in this Province, and for any other such person so to serve during twelve successive months of actual practice, after which, on complying with all the other requirements hereof, he may undergo the examination by this Act prescribed. R. S. O. 1877, c. 146, s. 11.

**12.—(1)** Any person who has followed a regular course of study in all the branches of education required by law for final admission as a land surveyor, through the regular sessions for at least two years in any university of the Province, or in McGill University, in the city of Montreal in the Province of Quebec, wherein there is organized a complete course of instruction, practical as well as theoretical, in civil engineering, natural philosophy, geology, and other branches of education required by law for admission as a land surveyor, and who has thereupon received from such university, after due examination, a degree or diploma of qualification as a civil engineer and land surveyor, may, after having passed the preliminary examination hereinbefore required for admission to apprenticeship with a land surveyor, be received as an apprentice by any practising land surveyor, and shall thereupon be only holden to serve as such apprentice during twelve successive months of actual service, or if he has passed through such university course of study in less time than two full years, then for such time of actual service as, with the period spent by him in such university course of study, suffices to make up the full time of three years.

The case of persons who have received university degrees or diplomas as engineers or surveyors.

**(2)** Any person who has followed a regular course of study at the Ontario School of Practical Science in the subjects of drawing, surveying and levelling, and geodasy and practical astronomy, and who has thereupon received, after due examination a certificate of having passed one session, two sessions, or three sessions, as the case may be, in the study of the aforesaid subjects may, after having passed the preliminary examination hereinbefore required for admission to apprenticeship with a land surveyor, be received as an apprentice by any practising land surveyor, and shall thereupon, if he has received a certificate of having passed three sessions in the study of the said subjects, be only holden to serve as such apprentice during twelve successive months of actual service; or, in case he has only received a certificate of having passed only one or two sessions, as the case may be, in the study of the said subjects, then for such time of actual service as, with the period spent by him at such session or sessions, suffices to make up the full time of three years.

Case of persons who have studied at School of Practical Science.

**(3)** After such actual service such person shall, subject to the other provisions of this Act, have the same right to undergo the examination required by law, and if found qualified, to be admitted to practise as a land surveyor as if he had served the full three years' apprenticeship otherwise required by law. 43 V. c. 17, s. 2.

Admission to practise.

**13.** In case a Dominion land surveyor, under *The Dominion Lands Act* applies for a commission as a land surveyor of this Province, if the board of examiners for the time being are of opinion that the qualifications required of a surveyor of Dominion lands at the time of the Commission having been granted

Admission of Dominion land surveyors.

granted to such surveyor under *The Dominion Lands Act*, were sufficiently similar to those set forth in this Act such surveyor shall be entitled to a certificate of admission as a land surveyor of this Province, without being subjected to any examination except as regards the system of survey of lands in Ontario. 43 V. c. 17, s. 3.

Graduates of  
Military Col-  
lege, King-  
ston.

**14.** The privilege of a shortened term of apprenticeship shall also be accorded to any graduate of the Military College at Kingston, or of the Ontario School of Practical Science, and such person shall not be required to pass the preliminary examination hereinbefore required for admission to apprenticeship with a land surveyor, but shall only be bounden to serve under articles with a practising land surveyor, duly filed as required by section 17 of this Act, during twelve successive months of actual practice, after which, on complying with all the other requirements, he may undergo the examination by this Act prescribed. R. S. O. 1877, c. 146, s. 13.

If surveyor  
dies, service  
may be com-  
pleted with  
another sur-  
veyor.

**15.** If any surveyor dies or leaves the Province, or is suspended or dismissed, his apprentice may complete his term of apprenticeship under an instrument in writing as aforesaid, with any other practising surveyor duly admitted. R. S. O. 1877, c. 146, s. 14.

Instruments  
of apprentice-  
ship may be  
transferred.

**16.** Any surveyor may, by an instrument in writing transfer an apprentice, with his own consent, to any other practising surveyor duly admitted, with whom he may serve the remainder of the term of his apprenticeship. R. S. O. 1877, c. 146, s. 15.

Instruments  
binding to ser-  
vice to be filed,  
etc.

**17.** No instrument in writing under which any applicant for admission to practise as a surveyor claims to have served with some practising surveyor for the period of three years, twelve months or six months (as the case may be), shall avail to authorize the admission of an applicant, unless the instrument has been transmitted to the secretary of the board within two months next after the date thereof, nor unless the fee mentioned in section 26 of this Act was by the apprentice paid to the secretary of the board at the time of transmitting the indenture or articles: and the said secretary shall acknowledge by post the receipt of all such instruments or copies thereof transmitted to him, and shall carefully keep the same in his office. R. S. O. 1877, c. 146, s. 16.

#### ADMISSION OF CANDIDATES.

Notice of ex-  
amination to  
be given by  
candidates for  
admission.

**18.** Every person desiring to be examined by the board as to his qualification to be admitted as a land surveyor, shall give notice thereof in writing to the secretary of the board, at least one month previous to the meeting thereof. R. S. O. 1877, c. 146, s. 18.



**19.** Every person applying for admission to practise as a land surveyor shall produce to the board satisfactory certificates as to character for probity and sobriety, and before a certificate is granted shall perform such practical operations in the presence of the board, and shall answer such questions on oath (which oath any member of the board may administer) with regard to the actual practice of such applicant in the field, and with regard to his surveying instruments as the said board may require. R. S. O. 1877, c. 146, s. 19.

The board to require certificates of good conduct, etc.

**20.** If the said examiners are satisfied as to the qualifications of the candidate, and his compliance with all the requirements of this Act, they shall grant him a certificate in the form following:

If the examiners approve of the candidate they are to grant him a certificate.

“This is to certify to all whom it may concern, that *A. B.* of in the County of has duly passed his examination before the board of examiners, and has been found qualified to fill the office and perform the duties of a Provincial Land Surveyor in and for Ontario, he having complied with all the requirements of the law in that behalf. Wherefore the said *A. B.* is admitted to the said office, and is by law authorized to practise as a land surveyor in Ontario.

“In witness whereof, we have signed this certificate at the City of Toronto, in the County of York, and Province of Ontario, Dominion of Canada, the day of

18 .”

*Signature of the Chairman, “C. D.”*

*Signature of the Secretary, “E. F.”*

And such certificate shall, on his complying with the other requirements of this Act, enable him to practise as a land surveyor in and for Ontario. R. S. O. 1877, c. 146, s. 20.

**21.—(1)** Each applicant, before receiving the above mentioned certificate, shall, with two sufficient sureties to the satisfaction of the said board of examiners, enter into a bond jointly and severally in the sum of \$1,000 to Her Majesty, Her Heirs and Successors, conditioned for the due and faithful performance of the duties of his office.

Licentiates to give bonds and take the oaths of allegiance and of office.

**(2)** The said bond shall be deposited and kept in the manner by law prescribed with regard to bonds given for like purposes by other public officers, and shall enure to the benefit of any party sustaining damage by breach of the condition thereof; and the certificate shall be registered in the office of the Provincial Secretary. R. S. O. 1877, c. 146, s. 21.

Where bonds to be deposited.

**22.—(1)** Each applicant, after having been granted a certificate, shall also take and subscribe the oath of allegiance, and the following oath, before the board of examiners, who are hereby empowered to administer the same:

Oaths.

“I, *A. B.*, do solemnly swear (or affirm, as the case may be) that I will faithfully discharge the duties of a land surveyor, agreeably to law, without favour, affection or partiality: So help me God.”

(2) The said oath of allegiance and of office shall be deposited in the office of the Provincial Secretary. R. S. O. 1877, c. 146, s. 22.

When the board may suspend licensed surveyors.

**23.** The board of examiners may in their discretion suspend or dismiss from the practice of his profession, any land surveyor whom they find guilty of gross negligence or corruption in the execution of the duties of his office; but the board shall not take action until the complaint under oath has been filed with the board, and a copy thereof forwarded to the party accused, nor shall the board suspend or dismiss such land surveyor without having previously summoned him to appear in order to be heard in his defence, nor without having heard the evidence, offered either in support of the complaint or in behalf of the surveyor inculpated. R. S. O. 1877, c. 146, s. 23.

Fees to be paid to the members of the board.

**24.** The Commissioner of Crown Lands shall pay to each member of the board of examiners and the secretary of the board, who attends any examination, the sum of \$5 for each day's attendance, and charge the same in his account as part of the expenses of his office. R. S. O. 1877, c. 146, s. 24.

Tariff of fees.

**25.** The following fees shall be paid under the provisions of this Act:

1. To the secretary of the board of examiners, by each apprentice, at the transmitting to such secretary the Indenture or Articles of such apprentice..... \$2 00
2. To the secretary of the board by each candidate for examination with his notice thereof..... 1 00
3. To the secretary of the board by each applicant obtaining a certificate, as his fee thereon..... 2 00
4. To the secretary of the board as an admission fee by each applicant receiving a certificate, out of which the expenses attending the examination of such applicant (if any) shall be first paid, and the remainder (if any) shall be paid over to the Commissioner of Crown Lands and be accounted for like other moneys received by him..... 20 00
5. To every surveyor summoned to attend any court, civil or criminal, for the purpose of giving evidence in his professional capacity as a surveyor, for each day he so attends, in addition to his travelling expenses (if any), and to be taxed and paid in the manner by law provided with regard to the payment of witnesses attending such court..... 5 00

R. S. O. 1877, c. 146, s. 25.

BOUNDARY LINES.

Establishment of boundary lines regulated.

**26.** All boundary or division lines legally established, and ascertained under the authority of any Ordinance or Act heretofore in force, shall remain good, and all other acts or things legally

legally done and performed under the authority of the said Ordinance and Acts, or any of them, and in conformity to the provisions thereof, shall remain good and valid notwithstanding the repeal of such Ordinance or Act. R. S. O. 1877, c. 146, s. 26.

**27.** The standard of English measure of length, compared with and corrected by the standards for such measures established in this Province and procured by the Commissioner of Crown Lands for the purpose of comparing therewith the standards to be kept by each surveyor as hereinafter provided, shall be deposited with the secretary of the board of examiners at Toronto, and the said secretary, under such instructions as he from time to time receives from the board, shall examine, test and stamp each standard measure of length for the surveyors, bringing the same for examination as the Commissioner of Crown Lands may do and with the same effect; and for each measure so examined and stamped such secretary may demand and receive fifty cents. R. S. O. 1877, c. 146, s. 27.

The standard of measure regulated.

**28.** Every land surveyor duly admitted and practising shall procure and shall cause to be examined, corrected and stamped or otherwise certified by the Commissioner of Crown Lands or some one deputed by him for that purpose, or by the secretary aforesaid, a standard measure of length, under the penalty of the forfeiture of his license or certificate, and shall, previously to proceeding on any survey, verify by such standard the length of his chains and other instruments for measuring. R. S. O. 1877, c. 146, s. 28.

Surveyors to procure stamped standard measures.

**29.** Every chain-bearer shall, before he commences his chaining or measuring, take an oath or affirmation to act as such justly and exactly according to the best of his judgment and ability, and to render a true account of his chaining or measuring to the surveyor by whom he has been appointed to such duty, and that he is absolutely disinterested in the survey in question, and is not related or allied to any of the parties interested in the survey within the fourth degree, according to the computation of the civil law—that is to say, within the degree of cousin-german, which oath the surveyor employing such chain-bearer is hereby authorized and required to administer; nor shall any person related or allied to any of the parties within the said degree be employed as a chain-bearer on any survey. R. O. S. 1877, c. 146, s. 29.

Chain-bearers to be sworn, and nature of the oath.

**30.** Any land surveyor, when engaged in the performance of the duties of his profession, may pass over, measure along and ascertain the bearings of any line or limit whatsoever, and for such purposes may pass over the lands of any person whomsoever, doing no actual damage to the property of such person. R. S. O. 1877, c. 146, s. 30.

When land surveyors may pass over private lands.

**31.** Where any surveyor is in doubt as to the true boundary

Course to be or adopted by



surveyor to ascertain boundary line, when doubtful, etc.

May subpoena witnesses.

Service of subpoena.

Penalty for disobeying subpoena.

Stone monuments may be placed at certain points in townships,

Under direction of Commissioner of Crown Lands.

or limit of any township, concession, range, lot or tract of land which he is employed to survey, and has reason to believe that any person is possessed of any important information touching such boundary or limit, or of any writing, plan or document tending to establish the true position of such boundary or limit, then if such person does not willingly appear before and be examined by such surveyor, or does not willingly produce to him such writing, plan or document, such surveyor or the party employing him may file in the office of the County Court a *præcipe* for a subpoena or subpoena *duces tecum*, as the case may require, accompanying such application by an affidavit or solemn declaration to be made before a Justice of the Peace, of the facts on which the application is founded, and the Judge may order a subpoena to issue accordingly, commanding such person to appear before the surveyor, at a time and place to be mentioned in the said subpoena and to bring with him any writing, plan or document mentioned or referred to therein. R. S. O. 1877, c. 146, s. 31.

**32.** The subpoena shall be served on the person named therein by delivering a copy thereof to him, or by leaving the same for him with some grown person of his family at his residence, exhibiting to him or to such grown person the original, R. S. O. 1877, c. 146, s. 32.

**33.** If the person commanded to appear by the subpoena after being paid his reasonable expenses, or having the same tendered to him, refuses or neglects to appear before the surveyor at the time and place appointed in the subpoena, or to produce the writing, plan or document (if any) therein mentioned or referred to, or to give such evidence and information as he may possess touching the boundary or limit in question, the person so summoned shall be deemed guilty of a contempt of the Court out of which the subpoena issued, and an attachment may be issued against him by the Judge of the said Court, and he may be punished accordingly, by fine or imprisonment, or both, in the discretion of the Judge. R. S. O. 1877, c. 146, s. 33.

**34.** Stone monuments, or monuments of other durable materials, shall be placed at the several corners, governing points or off-sets of every township already surveyed, or after this Act takes effect from time to time surveyed, and also at each end of the several concession lines of such townships; and lines drawn in the manner hereinafter prescribed from the monuments so erected, shall be taken and considered to be the permanent boundary lines of such townships and concessions respectively. R. S. O. 1877, c. 146, s. 34.

**35.** The monuments to be placed as above mentioned shall be so placed under the direction and order of the Commissioner of Crown Lands. R. S. O. 1877, c. 146, s. 35.

**36.** The courses and lengths of the said boundary lines, so ascertained and established, shall on all occasions be the true courses and lengths of the boundary lines of the said townships and concessions, whether the same do or do not, on actual survey, coincide with the courses and lengths in any letters patent of grant or other instrument mentioned and expressed in respect of such boundary lines. R.S.O. 1877, c. 146, s. 36.

Boundaries ascertained as aforesaid to be deemed the true ones.

**37.** It shall not be necessary for the Commissioner of Crown Lands to proceed to carry the provisions of the last preceding three sections of this Act into execution, until an application for that purpose has been made to the Lieutenant-Governor, by the council of the county in which the township or townships interested is situate, and such council shall cause the sum requisite to defray the expenses to be incurred, or the proportion thereof payable by the inhabitants of any township or concession, to be levied on the said inhabitants, in the same manner as any sum required for any other local purpose authorized by law may be levied. R. S. O. 1877, c. 146, s. 37.

Monuments need not be placed under ss. 34-36 except on the application of the municipal council.

**38.**—(1) And whereas in several of the townships in Ontario some of the concession lines, and side road lines, or parts of the concession lines and side road lines were not run in the original survey performed under competent authority, and the survey of some of the concession lines and side road lines, or parts of the concession lines and side road lines have been obliterated, and owing to the want of such lines the inhabitants of such concessions are subject to serious inconvenience, therefore the municipal council of the township in which such lines are situated, may, on application of one-half the resident landholders in any concession or part of concession or upon its own motion without such application, apply to the Lieutenant-Governor, requesting him to cause any such line or lines to be surveyed and marked by permanent stone or iron boundaries under the direction and order of the Commissioner of Crown Lands, in the manner prescribed in this Act, at the cost of the proprietors of the lands in each concession or part of a concession interested.

In what cases the municipal council may apply to have monuments placed.

(2) The concession lines, where not run, or where they have been obliterated shall be so drawn as to leave each of the adjacent concessions of a depth proportionate to that intended in the original survey.

As to the adjacent concessions.

(3) The survey of the parts of those concession lines intended to be straight, and which were not run or which have been obliterated, shall be established by drawing a straight line between the two nearest points or places where such line or lines can be clearly and satisfactorily ascertained.

Establishment of lines.

(4) The lines or parts of lines so surveyed and marked as aforesaid, shall thereafter be the permanent boundary lines of such concession or side roads, or parts of concessions or side roads to all intents and purposes of law whatsoever. R. S. O. 1877, c. 146, s. 40.

To be permanent boundary lines.

Expenses to be estimated and provided for.

(5) The council shall cause to be laid before them an estimate of the sum requisite to defray the expenses to be incurred in order that the same may be levied on the said proprietors, in proportion to the quantity of land held by them respectively in such concession or part of a concession, in the same manner as any sum required for any other purposes authorized by law may be levied. R. S. O. 1877, c. 146, s. 41.

Municipal councils may cause the boundaries of lots to be ascertained and marked.

**39.**—(1) Whenever the municipal council of any township, city, town or incorporated village adopts a resolution, on application of one-half the resident landholders to be affected thereby, or upon its own motion, that it is desirable to place stone or other durable monuments at the front or at the rear, or at the front and rear angles of the lots in any concession or range or block or part of a concession, or range or block in their township, city, town, or incorporated village, such municipal council may make application to the Lieutenant-Governor, in the same manner as is provided in section 38, praying him to cause a survey of such concession or range or block or part of a concession or range or block, to be made, and such boundaries to be planted, under the authority of the Commissioner of Crown Lands. R. S. O. 1877, c. 146, s. 43.

Boundaries to be marked by durable monuments.

(2) The surveyor making such survey shall accordingly plant stone or other durable monuments at the front, or at the rear, or at the front and rear angles of each and every lot in such concession, or range, or block, or part of a concession, or range, or block, and the limits of each lot so ascertained and marked shall be the true limits thereof. R. S. O. 1877, c. 146, s. 44.

How costs of survey to be defrayed.

(3) The cost of such survey shall be defrayed in the manner prescribed by section 38 of this Act. R. S. O. 1877, c. 146, s. 45.

Expenses how paid.

**40.** All expenses incurred in performing any survey, or placing any monument or boundary under the provisions of section 34, and the following sections, shall be paid by the county or township treasurer to the surveyor employed in such services, on the certificate and order of the Commissioner of Crown Lands. R. S. O. 1877, c. 146, s. 42.

Boundaries placed under the authority of the Government to be deemed the true ones, etc.

**41.** All boundary lines of townships, cities, towns and villages, all concession lines, governing points and all boundary lines, of concessions, sections, blocks, gores and commons, and all side lines and limits of lots surveyed, and all trees marked in lieu of posts and all posts or monuments, marked, placed or planted at the front or rear angles of any lots or parcels of land, under the authority of the Executive Government of the late Province of Quebec or of Upper Canada, or of Canada, or under the authority of the Executive Government of this Province, shall be the true and unalterable boundaries of all and every such townships, cities, towns, villages, concessions, sections, blocks, gores,



gores, commons, and lots or parcels of land, respectively, whether the same upon admeasurement be found to contain the exact width, or more or less than the exact width mentioned or expressed in any letters patent, grant or other instrument in respect of such township, city, town, village, concession, section, block, gore, common, lot or parcel of land. R. S. O. 1877. c. 146, s. 46.

**42.** Every township, city, town, village, concession, section, block, gore, common, lot or parcel of land, shall embrace the whole width, contained between the front posts, monuments or boundaries, planted or placed at the front angles thereof respectively, so marked, placed or planted as aforesaid, and no more nor less, any quantity or measure expressed in the original grant or patent thereof notwithstanding. R. S. O. 1877, c. 146, s. 47.

Townships, etc., to comprise all the space included within their boundaries.

**43.** Every patent, grant or instrument, purporting to be for any aliquot part of any concession, section, block, gore, common, lot or parcel of land in any such township, city, town or village, shall be construed to be a grant of such aliquot part of the quantity the same may contain, whether such quantity be more or less than that expressed in such patent, grant or instrument. R. S. O. 1877, c. 146, s. 48.

As to aliquot parts of townships, etc.

**44.** In every city, town, or village, or any part thereof which has been surveyed by the authority aforesaid, all allowances for any road, street, lane or common laid out in the original survey of such city, town, or village, or any part thereof shall be public highways and commons; and all posts or monuments placed or planted in the original survey of such city, town or village, or any part thereof, to designate or define any allowance for a road, street, lane, lot or common, shall be the true and unalterable boundaries of every such road, street, lane, lot and common; and all land surveyors, employed to make surveys in such city, town or village, or any part thereof, shall follow and pursue the same rules and regulations in respect of such surveys as is by law required of them when employed to make surveys in townships. R. S. O. 1877, c. 146, s. 49.

Road allowances in cities, etc., to be public highways.

**45.** All surveys of townships, tracts or blocks of land in this Province, granted by the Crown to companies and individuals before any surveys had been made therein, and which were afterwards surveyed by the owners thereof, shall be original surveys thereof, and shall have the same force and effect as though the said original surveys and plans thereof had been made by competent authority; and all allowances for roads or commons surveyed in such townships, tracts, or blocks of land, and laid down on the plans thereof, shall be public highways and commons; and all lines run and marked in such original surveys, and all posts or monuments planted or placed in

As to lands granted in blocks and subsequently surveyed by the grantees.

in such original surveys to designate and define any allowance for road, concession, lot of land or common, shall be the true and unalterable lines and boundaries of such allowance for road, common or lot of land, and all land surveyors, when employed to make surveys in such townships, tracts or blocks of land, shall follow and pursue the same rules and regulations in respect of such townships, tracts or blocks of land, and the original surveys thereof, as they are by law required to follow and pursue in all townships, tracts or blocks of land surveyed by the authority aforesaid. R. S. O. 1877, c. 146, s. 50.

Governing  
lines declared.

**46.** The course of the boundary line of each and every concession, on that side from which the lots are numbered, shall be the course of the division or side lines throughout the several townships or concessions respectively, provided that such division or side lines were intended, in the original survey performed under such authority as aforesaid, to run on the same course as the said boundary. R. S. O. 1877, c. 146, s. 51.

All side lines  
to be run on  
the same  
course as  
governing  
lines.

**47.** Every surveyor shall run all division or side lines, which he is called upon by the owner or owners of any lands to survey on the same course as that boundary line of the concession in which such lands are situate, from whence the lots are numbered as aforesaid, provided such division or side lines were intended, in the original survey performed under such competent authority as aforesaid, to run on the same course as the said boundary. R. S. O. 1877, c. 146, s. 52.

Course to be  
adopted where  
concession  
bounded by  
lake or river.

**48.** Where that end of a concession, from which the lots are numbered, is wholly bounded by a lake or river, or other natural boundary, or where it has not been run in the original survey performed under competent authority as aforesaid, or where the course of the division or side lines of the lots therein was not intended in the original survey performed as aforesaid, to be on the same course as such boundary, the said division or side lines shall be run on the same course as the boundary line at the other extremity of such concession, provided their course was intended, in the original survey performed as aforesaid, to be the same, and that such boundary line was run in the original survey. R. S. O. 1877, c. 146, s. 53.

Where divi-  
sion or side-  
lines not  
intended to  
run on the  
same course as  
the side-line  
at either end  
of a conces-  
sion.

**49.** Where in the original survey, performed under competent authority as aforesaid, the course of the division or side lines in any concession was not intended to be on the same course as the boundary line at either end of such concession, they shall be run at such angle with the course of the boundary line at that end of the concession from which the lots are numbered, as is stated in the plan and field notes of the original survey, of record in the Department of Crown Lands, provided such line was run in the original survey, as aforesaid,

aforesaid, or with the course of the boundary line at the other extremity of the said concession, if the boundary at that end of the concession from which the lots are numbered was not run in the original survey; or if neither of the aforesaid boundaries of the concession was run in the original survey, or if the concession is wholly bounded at each end by a lake or river, or other natural boundary, then at such angle with the course of the line in front of the said concession as is stated in the plan and field notes aforesaid, or if parts of the concession line have been run on different courses as shewn on said plans and field notes, then at such angle with the course of each of these parts, as is stated in the plan and field notes aforesaid. R. S. O. 1877, c. 146, s. 54.

**50.** If any division or side line between lots, or proof-line intended to be on the same course as the division or side lines between lots, was drawn in any such concession, bounded as aforesaid, in the original survey thereof, the division or side lines between the lots therein shall be on the same course as such division or side line or proof-line. R. S. O. 1877, c. 146, s. 55.

Where a division or proof line has been run between lots, the same shall govern.

**51.** Where two or more such division or side lines or proof-lines were drawn in the original survey of such concession, bounded as aforesaid, that division or side line or proof-line which is nearest to the boundary of the concession from which the lots are numbered, shall govern the course of the division or side lines of all the lots in such concession between the boundary of the concession from which the lots are numbered, and the next division or side line or proof-line drawn in the original survey; and such last mentioned line or proof-line shall govern the course of the division or side lines of all the lots up to the next division or side line or proof-line drawn in the original survey, or to the boundary of the concession towards which the lots are numbered, as the case may be. R. S. O. 1877, c. 147, s. 56.

Where there are two of such lines, the line nearest the end of the concession, from which the lots are numbered, to govern to the next of such lines.

**52.** In all those townships which in the original survey were divided into sections, agreeably to an Order in Council, bearing date the 27th day of March, 1829, or which have since been or shall be divided into sections or blocks of one thousand acres, or thereabouts, or six hundred and forty acres or thereabouts, as the case may be, under instructions from the Commissioner of Crown Lands, the division or side lines in all concessions, in any section or block, shall be governed by the boundary lines of such section or block, in like manner as the division or side lines in townships originally surveyed before the said day, are governed by the boundary lines of the concession in which the lots are situated: Provided that in those sections or blocks the governing boundaries of which are broken by lakes or rivers in such a way that the course thereof cannot accurately be determined, a surveyor when called upon

How lines to be governed in townships laid out in sections under order in council of March 27th, 1829, etc.



upon to run any side line in any concession in such section or block, shall run such side line on the astronomical course of the side lines of the lots in the township, as shewn on the original plan and field notes thereof, of record in the Department of Crown Lands.

What shall be deemed the front of a concession in certain cases.

**53.** The front of each concession in any township, where only a single row of posts have been planted on the concession lines, and the lands have been described in whole lots, shall be that end or boundary of the concession which is nearest to the boundary of the township from which the several concessions thereof are numbered ; and when the line in front of any such concession was not run in the original survey, the division or side lines of the lots in such concession shall be run from the original posts or monuments placed or planted on the front line of the concession in the rear thereof, on the same course as the governing line determined as aforesaid, to the depth of the concession, that is, to the centre of the space contained between the lines in front of the adjacent concessions, if the concessions were intended in the original survey to be of an equal depth, or, if they were not so intended, then to the proportionate depth intended in the original survey, as shewn on the plan and field notes thereof of record in the Department of Crown lands, having due respect to any allowance for a road or roads made in the original survey ; and a straight line joining the extremities of the division or side lines of any lot in such concession, drawn as aforesaid, shall be the true boundary of that end of the lot which was not run in the original survey. R. S. O. 1877, c. 146, s. 58.

In townships fronting on a river or lake, how division lines to be drawn if no posts planted to mark the width of lots.

**54.** In those townships in which any concession is wholly bounded in front by a river or lake, where no posts or other boundaries were planted in the original survey on the bank of such river or lake to regulate the width in front of the lots in the broken front concessions, the division or side lines of the lots in such broken front concessions shall be drawn from the posts or other boundaries on the concession line in rear thereof, on the same course as the governing line, determined as aforesaid, to the river or lake in front. Where any concession is bounded in front at either end, in part though not wholly, by a river or lake, and no posts or other boundaries were planted in the original survey on the bank of such river or lake to regulate the widths of the lots broken by said river or lake, the division or side lines of said broken lots shall be drawn from points on the rear of the concession determined by measuring off the widths proportionately as intended in the original survey, from the intersection of the division or side line of the last whole lot of the original survey with the rear line of said concession, on the same course as the governing line, determined as aforesaid, to the river or lake in front. R. S. O. 1877, c. 146, s. 59.

**55.** In those townships in which the concessions have been surveyed with double fronts, that is, with posts or monuments planted on both sides of the allowances for roads between the concessions, and the lands have been described in half lots, the division or side lines shall be drawn from the posts at both ends to the centre of the concession, and each end of such concession shall be the front of its respective half of such concession, and a straight line joining the extremities of the division or side lines of any half lot in such concession, drawn as aforesaid, shall be the true boundary of that end of the half lot which has not been bounded in the original survey. R. S. O. 1877, c. 146, s. 60.

Fronts of concessions in certain other cases, depths of lots, etc.

**56.** And whereas some of the double front concessions are not of the full depth, and doubts have arisen as to the manner in which the division or side lines in such concessions should be established:—Therefore in such concessions the division or side lines shall be drawn from the posts at both ends thereof, to the centre of the concession, as provided in the last preceding section of this Act, without reference to the manner in which the lots or parts of lots in such concession have been described for patent. R. S. O. 1877, c. 146, s. 61.

Mode of drawing lines in double fronted concessions.

**57.** In those townships in which each alternate concession line has only been run in the original survey, but with double fronts as aforesaid, the division or side lines shall be drawn from the posts or monuments on each side of such alternate concession lines to the depth of a concession—that is, to the centre of the space contained between such alternate concession lines, if the concessions were intended in the original survey to be of an equal depth, or if they were not so intended, then to the proportionate depth intended in the original survey, as shewn on the plan and field-notes thereof of record in the Department of Crown Lands: and each alternate concession line as aforesaid shall be the front of each of the two concessions abutting thereon. R. S. O. 1877, c. 146, s. 62.

As to concessions in cases where alternate concession lines only have been run.

**58.** In cases where any Crown patent of grant, or other instrument, has been issued for several lots or parcels of land in concessions adjoining each other, the side lines or limits of the lots or parcels of land therein mentioned and expressed, shall commence at the front angles of such lots or parcels of land respectively, and shall be run as hereinbefore provided, and shall not continue on in a straight line through several concessions—that is to say, each lot or parcel of land shall be surveyed and bounded according to the provisions of this Act, independently of the other lots or parcels mentioned in the same grant or instrument. R. S. O. 1877, c. 146, s. 63.

As to lands in adjoining concessions included in the same grant.

**59.** Every land surveyor employed to run any division line or side line between lots, or any line required to run on the same course as any division line or side line in the concession

Rule when a line is to be drawn on the same course as a governing line.

sion in which the land to be surveyed lies, shall, if it has not been done before, or if it has been done but the course cannot at such time be ascertained, determine by astronomical observation the true course of a straight line between the front and rear ends of the governing boundary line of the concession or section, and shall run such division line or side line as aforesaid, on the same course as such straight line, if so intended in the original survey, or at such angle therewith as is stated in the plan and field-notes as aforesaid, which shall be deemed to be the true course of the said governing or boundary line for all the purposes of this Act, although such governing or boundary line as marked in the field be curved or deviate otherwise from a straight course ; and the same rule shall be observed, if a line is to be run at any angle with a front line or other line which is not straight. R. S. O. 1877, c. 146, s. 64.

Cases where the original post or monument cannot be found, provided for.

**60.**—(1) In all cases where any land surveyor is employed to run any side line or limits between lots, and the original post or monument from which such line should commence cannot be found, he shall obtain the best evidence that the nature of the case admits of, respecting such side line, post or limit ; but if the same cannot be satisfactorily ascertained, then the surveyor shall measure the true distance between the nearest undisputed posts, limits or monuments, and divide such distance into such number of lots as the same contained in the original survey, assigning to each a breadth proportionate to that intended in such original survey, as shewn in the plan and field-notes thereof, of record in the Department of Crown Lands ; and if any portion of the line in front of the concession in which such lots are situate, or boundary of the township in which such concession is situate, has been obliterated or lost, then the surveyor shall run a line between the two nearest points or places, where such line can be clearly and satisfactorily ascertained, in the manner provided in this Act, and shall plant all such intermediate posts or monuments as he may be required to plant in the line so ascertained, having due respect to any allowance for a road or roads, common or commons, set out in such original survey ; and the limits of each lot so found shall be the true limits thereof. R. S. O. 1877, c. 146, s. 65.

(2) In double front or alternate concessions, where an original post or monument cannot be found, any original post still standing, or the position of which is satisfactorily established on the opposite side of the concession road allowance or on the centre line thereof, shall constitute the best evidence within the meaning of the preceding sub-section for the purpose of establishing the position of such missing post or monument.

If side lines were drawn in original sur-

**61.** In those townships in which the side lines of the lots were drawn in the original survey, every provincial land surveyor when called upon to determine any disputed boundary in



in any of such townships, shall ascertain and establish the division or side lines of the lots, by running such side lines as they were run in the original survey, whether the same were in the original survey run from the front of the concession to the rear, or from the rear of the concession to the front, and shall adhere to all posts, limits or monuments, planted on the division or side lines in the original survey, as being or designating corners of lots under such original survey. R. S. O. 1877, c. 146, s. 66.

**62.**—(1) All allowances for roads, streets or commons, surveyed in cities, towns and villages or any part thereof which have been or may be surveyed and laid out by companies and individuals and laid down on the plans thereof, and upon which lots of land fronting on or adjoining such allowances for roads, streets or commons, have been or may be sold to purchasers, shall be public highways, streets and commons; and all lines which have been or may be run, and the courses thereof given in the survey of such cities, towns and villages, or any part thereof, and laid down on the plans thereof, and all posts or monuments which have been or may be placed or planted in the first survey of such cities, towns and villages, or any part thereof, to designate or define any such allowances for roads, streets, lots or commons, shall be the true and unalterable lines and boundaries thereof respectively; and all land surveyors employed to make surveys in such city, town or village, or any part thereof, shall follow and pursue the same rules and regulations in respect of such surveys as is by law required of them when employed to make surveys in townships: provided that the municipal corporation shall not be liable to keep in repair any road, street, bridge or highway laid out by any private person until established by by-law of the corporation or otherwise assumed for public use by such corporation, as provided in *The Consolidated Municipal Act, 1883*.

vey, the same to be adhered to.

As to allowances for roads or streets in cities, towns or villages or any parts thereof laid out by private owners.

Proviso.

(2) No lot or lots of land in such cities, towns and villages shall be so laid out as to interfere with, obstruct, shut up, or be composed of any part of any allowance for road, common or commons, which were surveyed and reserved in the original survey of the township or townships wherein such cities, towns or villages are or may be situate. R. S. O. 1877, c. 146, s. 69.

City, town or village lots not to be laid out so as to interfere with any allowance for roads.

(3) No such private survey shall be valid unless performed by a duly authorized surveyor. R. S. O. 1877, c. 146, s. 68.

No private survey valid unless made by a licensed surveyor.

**63.**—(1) Whenever any land is surveyed and sub-divided for the purpose of being sold or conveyed in lots by reference to a plan which has not been already registered, the person making the sub-division shall, within three months from the date of the survey, file with the Registrar a plan of the land on a scale not less than 1 inch to every 4 chains. The plan shall shew the number of the township town or village lots, and

Registration of plans when land subdivided.

Scale of plan  
and what to  
show.

range or concession as originally laid out, and all the boundary lines thereof, within the limits of the land shewn on the said plan, and where such plan is a sub-division of a lot, or lots, on a former plan, it shall shew the numbers or other distinguishing marks of the lot or lots sub-divided, and the boundary lines of such lot or lots. The plan shall also shew all roads, streets, lots and commons, within the same, with the courses and widths thereof respectively, and the width and length of all lots and the courses of all division lines between the respective lots within the same, together with such other information as is required to shew distinctly the position of the land being sub-divided.

Duty of Regis-  
trars there-  
after.

(2). Every such map or plan, before being registered, shall be signed by the person or the chief officer of the corporation by whom or on whose behalf the same is filed, and shall also be certified by some provincial land surveyor in the form of schedule L. to *The Registry Act*, as follows:—I hereby certify that this plan accurately shews the manner in which the land included therein has been surveyed and subdivided by me; and that the said plan is prepared in accordance with the provisions of *The Registry Act*.

Form of sur-  
veyor's certifi-  
cate on plan.

Dated

18

A.B.

Provincial Land Surveyor,

Instruments  
must conform  
to such plan.

and thenceforth the Registrar shall keep an index of the lands described and designated by any number or letter on the map or plan, by the name of which such person, corporation or company designates the same in the manner provided by *The Registry Act*; and all instruments affecting the land or any part thereof, executed after the plan is filed with the Registrar, shall conform and refer thereto, otherwise they shall not be registered.

Penalty for  
refusing to  
register plan.

(3) In the case of refusal by such person, corporation or company, his or their executors, agents, or attorneys, or successors, for two months after demand in writing for that purpose, to lodge the said plan or map when required by any person interested therein, or by the Inspector so to do, he or they shall incur a penalty of \$20 for each and every calendar month the said map or plan remains unregistered, which penalty may be recovered by any person complaining, in any Division Court, in the County in which such lands are situated, in like manner as a common debt.

How recover-  
ed.

To what land  
this section  
applies.

(4) This section shall apply as well to lands already surveyed or subdivided as to those which may hereafter be surveyed or subdivided, subject to the next succeeding section.

When plan  
must be regis-  
tered in case  
of lands sub-  
divided before  
this Act.

**64.** In sales of lands under surveys or sub-divisions made before the 4th day of March, 1868, where such surveys or sub-divisions so differ from the manner in which such land was surveyed or granted by the Crown that the parcel so sold cannot

cannot be easily identified, the plan or survey shall be registered within six months after the passing of this Act, if the plan of survey is still in existence and procurable for registration and filing under the next preceding section, and if it is not a new survey or plan shall be made by and at the joint expense of the persons who have made such surveys or subdivisions, and of all others interested therein, by some duly authorized provincial land surveyor, as nearly as may be according to the proper original survey or sub-division, and the same when so made shall be filed as if under the next preceding section of this Act. R. S. O. 1877, c. 146, s. 71. *See also Rev. Stat. c. 111, s. 83.*

How to be made.

**65.**—(1) In no case shall any plan or survey, although filed and registered, be binding on the person so filing or registering the same, or upon any other person, unless a sale has been made according to such plan or survey, and in all cases amendments or alterations of any such plan or survey may be ordered to be made, at the instance of the person filing or registering the same or his assigns, by the High Court, or by any Judge of the said Court, or by the Judge of the County Court of the County in which the land lies, if on application for the purpose duly made, and upon hearing all parties concerned, it be thought fit and just so to order, and upon such terms and conditions as to costs and otherwise as may be deemed expedient. An appeal shall be from any such order to the Court of Appeal.

Plan not binding until some sale is made under it; alterations in plan.

(2) No part of any street or streets shall be altered or closed up, upon which any lot of land sold abuts, or which connects any such sold lot with or affords means of access therefrom to the nearest public highway.

(3) Nothing herein shall in any way interfere with the powers now possessed by municipalities in reference to highways. R. S. O. 1877, c. 146, s. 72.

**66.** Every copy of such plan or map obtained from such registry office, and certified as correct by the registrar or deputy-registrar as aforesaid shall be taken in all Courts as evidence of the original thereof and of the survey of which it purports to be a plan or map. R. S. O. 1877, c. 146, s. 73.

Copies of registered plans, to be evidence of the originals.

**67.** Whenever any such plan or map has been so made and deposited as aforesaid the registrar shall make a record of the same, and enter the day and year on which the same is deposited in his office; and for such service the said registrar shall be entitled to charge the fees prescribed by *The Registry Act*. R. S. O. 1877, c. 146, s. 74.

Duty of the registrar in whose office any such plan is deposited.

**68.**—(1) Where any incorporated city, town or village, or village not incorporated, comprises different parcels of land owned

Plans of cities, towns or villages to be



registered in  
certain cases.

owned at the original division thereof by different persons, and the same were not jointly surveyed and one entire plan of such survey made and filed in accordance with section 63 of this Act, the municipal council of the township within which such unincorporated village is situated or of such incorporated city, town or village, shall, upon the written request of the inspector, or of any person interested, addressed to the clerk of the municipality, immediately cause a plan of such city, town or village, to be made upon the scale provided for under this Act, and to be registered in the registrar's office of the registry division within which the municipality lies, which map or plan shall have endorsed thereon the certificates of the clerk and head of the municipality and surveyor, that the same is prepared according to the directions of the municipality, and in accordance with this Act, and to the map or plan the corporate seal of the municipality shall be attached.

Payment of  
expenses.

(2) The expense attending the preparing and depositing of the map or plan shall be paid out of the general funds of the municipality, except in the case of unincorporated villages, where the same shall be paid by a special rate to be levied by assessment on all ratable property comprised in the unincorporated village, as described by metes and bounds in a by-law to be passed by the municipality for the purpose of levying such rate; and in case of the refusal of the municipality to comply with all the requirements of this section within six months next after being required in manner aforesaid so to do, the municipality shall incur the same penalty, and the same shall be recoverable in the manner provided in section 63 of this Act.

Registration  
of plans of  
township sub-  
divisions in  
certain cases.

(3) Where land in a township has been or shall hereafter be sold under surveys or subdivisions, made in a manner which so differs from that in which such land was surveyed or granted by the Crown, that the parcel sold cannot be easily identified, and the map or plan has not been registered under this or any other Act in that behalf, the council of the township may, at the written request of the inspector, or of any person interested, cause a plan of any such land to be made and registered in the same manner and with the same effect as in the case of an unincorporated village; and the expenses attending the preparation of and filing of the map or plan shall be paid by a special rate to be levied by assessment on the lands comprised in said map or plan, as described in a by-law to be passed by the council for the purpose of levying such rate; and the municipality shall have the like remedies for the recovering of such last mentioned expenses as it has for compelling payment of taxes.

Obligations  
not impaired.

(4) Nothing in this section contained shall be deemed or construed to relieve any person from any liability, duty, obligation, or penalty provided or imposed by or under any of the provisions of section 63 of this Act.

**69.** Every person who is required by this Act to lodge with the registrar a plan or map of any survey or subdivision of land made by him, or of any alteration of such survey or subdivision, shall also, within three months from the date of the survey, lodge with the treasurer of the municipality in which the land is situate a duplicate or copy of such plan or map, and in case of neglect or refusal so to do, within two months after notice in writing given by such treasurer requiring him to lodge such plan as provided by this section, every such person shall incur a penalty of \$20 for each and every month during which the default shall continue.

Plans of surveys to be deposited with treasurer of municipality.

Penalty.

**70.** Every land surveyor shall keep exact and regular journals and field-notes of all his surveys, and file them in the order of time in which the surveys have been performed, and shall give copies thereof to the parties concerned when so required, for which he is hereby allowed the sum of \$1 for each copy, if the number of words therein does not exceed four hundred words, but if the number of words exceeds four hundred, he is allowed ten cents additional for every hundred words over and above four hundred words. R. S. O. 1877, c. 146, s. 76.

Surveyors to keep regular journals and field-notes and furnish copies to parties interested.

**71.** For better ascertaining the original limits of any township, concession, range, lot, or tract of land, every land surveyor acting in this Province, shall and may administer an oath or oaths to each and every person whom he examines concerning any boundary, post or monument, or any original landmark, line, limit or angle of any township, concession, range, lot or tract of land which such surveyor is employed to survey. R. S. O. 1877, c. 146, s. 77.

Surveyors may administer oaths for certain purposes.

**72.** All evidence taken by any surveyor as aforesaid shall be reduced to writing, and shall be read over to the person giving the same, and be signed by such person, or, if he cannot write, he shall acknowledge the same as correct before two witnesses, who, as well as the surveyor, shall sign the same; and such evidence shall, and any document or plan prepared and sworn to as correct before a Justice of the Peace, by any surveyor, with reference to any survey by him performed, may be filed and kept in the registry office of the registry division in which the lands to which the same relates are situate, subject to be produced thereafter in evidence in any Court within Ontario; and for receiving and filing the same the registrar shall be entitled to twenty-five cents; and the expense of filing the same shall be borne by the parties in the same manner as the other expenses of the survey. R. S. O. 1877, c. 146, s. 78.

Evidence taken by surveyor to be reduced to writing and signed, etc.

Fees.

[Section 31 of C. S. C. c. 77, is as follows :

31. If any person or persons, in any part of this province, interrupts, molests or hinders any land surveyor, while in the discharge of his duty as land surveyor,

Penalty for obstructing as land survey-

ors in the  
execution of  
surveys.

as a surveyor, such person or persons shall be guilty of a misdemeanor, and being thereof lawfully convicted in any court of competent jurisdiction, shall be punished either by fine or imprisonment, or both, in the discretion of such court, such imprisonment being for a period not exceeding two months, and such fine not exceeding twenty dollars, without prejudice to any civil remedy which such surveyor or any other party may have against such offender or offenders, in damages by reason of such offence. 12 V. c. 35, s. 14.]

[Section 4 of C. S. U. C. c. 93, is as follows :

Punishment  
of persons re-  
moving or de-  
stroying land  
marks.

4. If any person knowingly and wilfully pulls down, defaces, alters or removes any monument so erected as aforesaid, such person shall be adjudged guilty of felony ; and if any person knowingly and wilfully defaces alters or removes any other landmark, post or monument placed by any land surveyor, to mark any limit, boundary or angle of any township, concession, range, lot or parcel of land, in Upper Canada, such person or persons shall be deemed guilty of a misdemeanor, and being convicted thereof before any competent court, shall be liable to be punished by fine or imprisonment, or both, at the discretion of such court, such fine not to exceed one hundred dollars, and such imprisonment not to be for a longer period than three months, without any prejudice to any civil remedy which any party may have against such offender or offenders in damages by reason of such offence ; but this shall not extend to prevent land surveyors, in their operations, from taking up posts or other boundary marks when necessary, after which they shall carefully replace them as they were before. 12 V. c. 35, s. 29.

As to survey-  
ors.

*Section 107 of C. S. C. c. 77, contains the same provision.]*

## CHAPTER 26.

### An Act consolidating and amending the Acts respecting Insurance Companies.

[Assented to 23rd April, 1887.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Title and  
commence-  
ment of Act.

1. This Act may be cited as *The Ontario Insurance Act, 1887*, and shall go into effect on the 30th day of June next after the passing hereof, except that sections 114 to 116 shall not take effect, as respects insurance companies which have their head office in Great Britain or Ireland, until 31st December next. R. S. O. 1877, c. 160, s. 1.

Interpretation

2. In this Act, unless the context otherwise requires :—

“Province.”

1. “Province” and “Legislature” mean respectively the Province and the Legislature of Ontario.

“Treasurer.”

2. “Treasurer,” means the Treasurer of the Province ; or any member of the Executive Council to whom from time to time



time may be transferred, either for a limited period, or otherwise, the powers and duties which are by this Act assigned to the Treasurer.

3. "Inspector" means the Inspector of Insurance for the "Inspector." Province.

4. "Company" means and includes any corporation, or "Company." any society or association, incorporated or unincorporated, or any partnership, or any underwriter, except as provided by section 3, that undertakes or effects for valuable consideration, or agrees or offers so to undertake or effect, in the Province, any contract of indemnity, guarantee, suretyship, insurance, endowment, tontine, or annuity on life, or any like contract which accrues payable on or after the occurrence of some contingent event.

5. The expression "offer to undertake contracts" shall include "Offer to undertake contracts." the setting up of a sign or inscription containing the name of the company; or the distribution or publication of any proposal, circular, card, advertisement, printed form, or like document in the name of the company, or any written or oral solicitation in the company's behalf.

6. "Contract" means and includes any contract or agree- "Contract." ment, sealed, written or oral, the subject matter of which is within the intent of sub-section 4.

7. "Written," as applied to any instrument, includes written "Written." or printed, or partly written and partly printed.

8. "Provincial Company" means a company which has its "Provincial Company." head office in Ontario.

9. "Canadian Company" means a company incorporated or "Canadian Company." legally constituted in the Dominion of Canada, but which has its head office in some Province of Canada other than Ontario.

10. "Municipality" has the same meaning as in *The Muni-* "Municipality." *cipal Act.*

11. "Mutual Insurance" means insurance given in considera- "Mutual Insurance." tion of a premium note or undertaking with or without an immediate cash payment thereon; and "Mutual Company" "Mutual Company." means a Company empowered solely to transact such insurance.

12. "Cash-Mutual Company" means a company organized "Cash Mutual Company." to transact mutual insurance, but empowered to undertake contracts of insurance on both the cash plan and the premium note or mutual plan.

13. "Inland-Marine Insurance" means marine insurance "Inland Marine Insurance." in respect of subjects of insurance at risk above the harbour of Montreal.

14. "Member" means a policy-holder on the premium note "Member." plan; but as to those mutual, or cash-mutual companies which, in terms of this Act have guarantee or joint stock capital, "Member" includes, where the context so requires, any holder of  
of

of one or more shares of the capital. 46 V. c. 15, s. 15 ; 44 V. c. 20, ss. 7, 12.

“Registry Office.”

“Registrar.”

15. “Registry Office” means the registry office of the Registry Division within which the head office of the company is situate ; and “Registrar” includes the Registrar and Deputy Registrar of such registry office.

#### APPLICATION OF ACT.

Dominion licensees exempted, except as to sections 114-120.

Also certain societies.

3. The provisions of this Act shall not apply :—

1. To a company licensed by the Dominion of Canada, except as to sections 114 to 120 inclusive, which shall apply to all Fire Insurance companies transacting business in Ontario. R. S. O. 1877, c. 162, ss. 2, 3 ; c. 161, s. 79 ; c. 160, s. 2.

2. This Act shall not apply to any benevolent, provident, industrial or co-operative society not requiring a license for any such contract as aforesaid before the passing of this Act.

#### INCORPORATION OF JOINT STOCK COMPANIES.

Formation of Companies.

4. — (1) Notwithstanding section 4 of *The Ontario Joint Stock Companies' Letters Patent Act*, the Lieutenant-Governor in Council may, on the written recommendation of the Inspector, approved by the Treasurer, or some other member of the Executive Council, grant by letters patent, under the Great Seal, a charter to any number of persons not less than five, who shall petition therefor, constituting such persons and others who may become shareholders in the company thereby created a body corporate and politic for any purpose or object within the intent of this Act ; but such incorporated company, before undertaking, effecting, or offering to undertake or effect, or soliciting any contract within this Act, shall file in the office of the Inspector satisfactory evidence that this Act has been complied with in respect of stock subscribed and of calls thereon paid, and further shall make the necessary deposit and be licensed as hereinafter provided.

Acts applying to Joint Stock companies under this Act.

(2) To every company so incorporated *The Ontario Joint Stock Companies' Letters Patent Act* and *The Ontario Joint Stock Companies' General Clauses Act*, shall apply in all unprovided cases so far as not repugnant to the express provisions of this Act.

(3) To every joint stock company heretofore incorporated and acting under license of the Province the Acts cited in the last sub-section shall also apply, except where repugnant to the express provisions of this Act, or to the special Act of the Province incorporating the company, or to any Act of the Province amending the special Act of incorporation.

Directors.

5.—(1) The affairs of every company incorporated under section 4 shall be managed by a board of not less than five nor more than nine directors. (2)

(2) The first five of the persons named in the charter of incorporation shall be directors of the company until replaced by others duly named in their stead.

(3) The after directors of the company shall be elected by the shareholders in general meeting of the company, assembled at such times, in such wise, and for such term, not exceeding two years, as the by-laws of the company may prescribe. R. S. O. 1877, c. 149, s. 11.

6. The capital stock of a company incorporated under Capital stock. section 4 shall be as follows:—

1. If a Fire, or Fire and Inland Marine, or Accident, or Life, or Life and Accident, or Guarantee, or Surety company, the capital stock shall be not less than \$500,000, with liberty to increase the same to \$1,000,000 with the assent of the Lieutenant-Governor in Council; and before applying for license the company shall furnish to the Inspector satisfactory evidence that of the said capital stock at least \$300,000 has been subscribed for and taken up *bona fide*, and that \$30,000 of the said subscribed stock has been paid into some chartered bank.

2. If a live stock insurance company, the capital stock shall be at the least \$300,000, with liberty to increase the same as in the first sub-section to \$500,000, of which, as in said sub-section, \$150,000 shall be shewn to have been subscribed, and \$15,000 to have been paid into some chartered bank.

3. If a plate glass insurance company, or a company insuring against the explosion of steam boilers, the capital stock shall be at the least \$100,000, with liberty to increase the same as in the first sub-section to \$250,000, of which as in said sub-section \$60,000 shall be shewn to have been subscribed, and \$6,000 to have been paid into some chartered bank.

7. The corporate powers of any company whether incorporated under this Act or under any special Act shall be forfeited by non-user during three years after the date of its incorporation; or if, after a company has undertaken contracts within the intent of this Act, such company discontinues business for one year; or if its license remains suspended for one year; or if its license is cancelled otherwise than by mere effluxion of time and is not renewed within the period limited in section 46; and thereupon the company's corporate powers shall *ipso facto* cease and determine, except for the sole purpose of winding up its affairs; and the High Court, upon the petition of the Attorney-General, or of any person interested, may by decree limit the time within which the company shall settle and close its accounts, and may for this specific purpose, or for the purpose of liquidation generally, appoint a receiver. R.S.O. 1877, c. 150, s. 63.

Corporate power forfeited by non-user, or discontinuance of business; or suspension or cancellation of license; except for winding-up.



FORMATION AND INCORPORATION OF MUTUAL AND CASH-  
MUTUAL FIRE INSURANCE COMPANIES.

Meetings to  
establish Com-  
panies, how  
called.

8. Ten freeholders in any municipality or association of municipalities may call a meeting of the freeholders thereof to consult whether it be expedient to establish therein a Fire Insurance company upon the mutual or cash-mutual principle. R. S. O. 1877, c. 161, s. 1.

Advertise-  
ment of  
meeting.

9. The meeting shall be called by advertisement, mentioning the time and place and object of the meeting; and the advertisement shall be published once in the *Ontario Gazette* and for three weeks in one or more of the newspapers published in the County. R. S. O. 1877, c. 161, s. 2.

Subscription  
books.

10. If thirty freeholders of the municipality are present at the meeting, and a majority of them determine that it is expedient to establish a Mutual or Cash-Mutual Fire Insurance company, they may elect three persons from among them to open and keep a subscription book, in which owners of property, movable or immovable, within the Province of Ontario, may sign their names, and enter the sums for which they shall respectively bind themselves to effect insurances with the company. R. S. O. 1877, c. 161, s. 3.

When meeting  
may be called.

11. Where fifty or more persons, being owners of movable or immovable property in the Province of Ontario, have signed their names in the subscription book, and bound themselves to effect insurances in the company, which in the aggregate shall amount to \$100,000 at least, a meeting shall be called, as hereinafter provided. R. S. O. 1877, c. 161, ss. 4, 33.

How meeting  
to be called.

12.—(1) As soon as convenient after the subscription book has been completed in manner aforesaid, any ten of the subscribers thereto may call the first meeting of the Company, at such time and place within the municipality as they may determine; such meeting shall be called by sending a printed notice by mail, addressed to every subscriber at his post office address, at least ten days before the day of the meeting, and by advertisement in one or more papers published in the County in which the municipality is situated.

(2) The said notice and advertisement shall contain the object of the meeting, and the time and place at which it is to be held. R. S. O. 1877, c. 161, s. 5.

Election of  
directors.

13.—(1) At such meeting the name and style of the company, including the appellations "Fire" and "Mutual," shall be adopted, and a Secretary *ad interim* appointed, and a Board of Directors elected as hereinafter provided and the place named at which the head office of the company shall be located. R. S. O. 1877, c. 161, s. 6; 48 Vic. c. 36. s. 1. (2)

(2) To constitute a valid meeting for the purposes of the first subsection, at least twenty-five of the aforesaid subscribers must be present.

(3) In case of a county or township the head office may be in any city, town, or village within the boundaries of the county or township or adjacent thereto.

14. Copies of the resolutions adopting the name or style and the place of the head office of the company, and of the subscription book, and the names of the directors elected shall thereupon be made; and all such documents certified as correct under the hands of the chairman and secretary, shall be filed in the Registry Office. Names of directors to be filed in registry office. R. S. O. 1877, c. 161, s. 7.

15.—(1) Upon the filing of said documents, with the certificate, the subscribers above mentioned, and all other persons thereafter effecting insurances in the company, shall become members of the company and shall be a body corporate by and under the name so adopted. Thereon the corporation formed. R.S.O. 1877, c. 161, s. 8; 44 V. c. 20, s. 26.

(2) But the corporate powers of the company shall be forfeited by non-user, or by discontinuance of business, or by suspension or cancellation of license as is provided in section 7, which section shall in all respects apply as well to Mutual and Cash-Mutual companies as to joint stock companies. Forfeiture of corporate powers. R. S. O. 1877, c. 150, s. 63.

16. As soon after the aforesaid meeting as convenient, the Secretary *ad interim* shall call a meeting of the Board of directors, for the election of a President and Vice-President from amongst themselves, for the appointment of a Secretary, Treasurer, or Manager, and the transaction of such other business as may be brought before them. Meeting of directors to elect president and officers. R. S. O. 1877, c. 161, s. 9

17. After the company has filed in the registry office, the documents mentioned in section 14, and before the company shall transact or be entitled to transact any insurance business, the chairman and secretary shall transmit or deliver like copies duly certified by them to be true copies and endorsed by the Registrar as having been duly filed to the Inspector at his office in Toronto, accompanied by a statement signed by the chairman and secretary, stating the kind and character of the risks intended to be taken by the company, that is to say, whether the business to be transacted is the insurance of farm and isolated buildings and property, or of mercantile, manufacturing and other hazardous and extra hazardous properties, or of both; also whether the company has been organized and incorporated as a Mutual or as a Cash-Mutual company. Copies of resolutions, subscription books, and statements of proposed business to be transmitted to Insurance Inspector. 44 V. c. 20, s. 1.

18. Upon receipt of such certified copies and of the aforesaid statement by the Inspector, he shall proceed to ascertain whether Inquiries to be made by Inspector

after receiving statement. whether the proceedings for the incorporation of the company have been taken in accordance with the law in that behalf, and whether the subscriptions are *bona fide*, and by persons possessing property to insure, and whether the proposed name is the same as that of any existing company, or may be easily confounded therewith, and he may require the declaration of any person or persons upon oath to be filed with him, touching any matters concerning which he is called upon to make inquiry. 44 V. c. 20, s. 2.

On report of Inspector Treasurer may issue license. **19.** If, upon examination, the Inspector shall find that the said subscriptions have been made in good faith by persons entitled to make the same, and that the proposed name is satisfactory, and that the company has complied with this Act in respect of deposit, and in all other respects, the Treasurer may thereupon issue a license under his hand and seal setting forth that it has been made to appear to him that the company has complied with the requirements of the law ; and that the company is accordingly licensed to transact the kind of business specified in the license, for a term therein also specified, but not exceeding twelve months from the date of issue ; but such license may from time to time be renewed as hereinafter provided.

#### CHANGE OF NAME OR OF HEAD OFFICE.

Change of name. **20.** Where any company is desirous of adopting a name differing from that by which it was incorporated ; or where in the opinion of the Lieutenant-Governor in Council the name by which such company within the legislative authority of this Province was incorporated, may be easily confounded with that of any other existing company, the Lieutenant-Governor in Council, upon being satisfied that a change of name will not work or effect any improper purpose, may by Order in Council change the name of the company to some other name to be set forth in the Order in Council ; but no such change of name shall affect the rights or obligations of the company ; and all proceedings which might have been continued or commenced by or against the company by its former name may be continued and commenced by or against the company by its new name. 44 V. c. 20, s. 24 ; 46 V. c. 15, s. 4, *part*.

Change of head office. **21.**—(1) The head office of any company may be removed from one municipality to another by authority of the Lieutenant-Governor in Council. 46 V. c. 15, s. 4, *part*.

(2) In other cases the present location of head offices of companies in existence, and the original location of head offices of companies hereafter to be formed, shall only be changed by a two-thirds vote of the members or shareholders of the company at a special meeting called for that purpose. R. S. O. 1877, c. 161, s. 70 ; 46 V. c. 15, s. 4, *part*.

(3)



(3) Where any company is entitled to remove its head office from one place to another, without the consent of the Lieutenant-Governor in Council, notice of any such change and of any resolution or by-law authorizing the same, shall be forthwith given by the secretary of the company to the Inspector of Insurance. 46 V. c. 15, s. 4.

**22.** The Lieutenant-Governor in Council may require the same notice to be given upon any application for such change of name or of head office as is required upon an application for Letters Patent by the Act entitled "*An Act respecting the Incorporation of Joint Stock Companies by Letters Patent.*" 44 V. c. 20, s. 25.

Notice of application for change of name.

**23.** Notice of any change of name or of head office shall be forthwith inserted by the company in the *Ontario Gazette*.

#### BRANCHES AND DEPARTMENTS IN MUTUAL AND CASH-MUTUAL FIRE INSURANCE COMPANIES.

**24.** Any Mutual or Cash-Mutual Company may, with the previous assent of the Lieutenant-Governor in Council, separate its business into branches or departments, with reference to the nature or classification of the risks, or of the localities in which insurances may be effected. R. S. O. 1877, c. 161, s. 64.

Establishment of branches.

**25.** The Directors of every such company so separating its business shall make a scale of risks and tariff of rates for each branch, and direct that the accounts of each shall be kept separate and distinct the one from the other. R. S. O. 1877, c. 161, s. 65.

Scale of risks to be made for each branch.

**26.** All necessary expenses incurred in the conducting and management of such companies shall be assessed upon and divided between the several branches in such proportion as the directors determine. R. S. O. 1877, c. 161, s. 67.

Expenses to be divided between branches proportionately.

#### GUARANTEE CAPITAL IN MUTUAL OR CASH-MUTUAL FIRE INSURANCE COMPANIES.

**27.** Any Mutual or Cash-Mutual Fire Insurance Company, incorporated under this Act or any former Act, may raise by subscription of its members, or some of them, or by the admission of new members not being persons insured in the company, or by loan or otherwise, a guarantee capital of any sum not less than \$20,000, nor exceeding \$200,000, which guarantee capital shall belong to the company and be liable for all the losses, debts and expenses of the company; and subscribers of such capital shall, in respect thereof, have such rights as the directors of the company declare and fix by a by-law to be passed before the capital is subscribed, and unless the capital

Power to raise a guarantee capital.

is paid off or discharged, the by-law shall not be repealed or altered without the prior assent of the Lieutenant-Governor in Council nor without the consent of the majority of votes of the shareholders or subscribers of such capital who represent a majority of the shares subscribed, either personally or by proxy, at a meeting held for that purpose of the holders of such capital, each shareholder or subscriber being entitled to a vote for every share of \$50 held by him. 44 V. c. 20, s. 7.

Limitations as to guarantee capital.

**28.**—(1) The capital shall be subscribed by not less than ten persons, and no one person shall subscribe, or hold, or receive dividends, interest or commissions, upon more than twenty per centum of the guaranteed capital of the stock; the original list of the subscribers to the guarantee capital shall be transferred to and be deposited with the Treasurer of this Province, and shall be held as security for the payment of all losses and other policy liabilities of such companies.

Calls upon guarantee capital.

(2) The company may from time to time, in accordance with the provisions of any by-law in that behalf, approved by the Lieutenant-Governor in Council, require any portion of the subscribed guarantee capital to be paid over to the company for the purpose of settling any losses of the company. Any sums so advanced shall be repaid by the company within one year thereafter from the proceeds of assessments upon the premium notes liable to assessment for the purpose, and assessments may be made from time to time by the company for the purpose of repaying the advances. 44 V. c. 20, s. 8.

Substitution of other securities.

**29.** In substitution for the subscription list of guarantee capital deposited as security with the Treasurer, the company may, with the Treasurer's consent, deposit cash or unconditional securities for cash of the kind and to the amount prescribed in section 40 of this Act; and the Treasurer shall thereupon release and discharge the said subscription list.

#### SHARE OR STOCK CAPITAL IN MUTUAL OR CASH-MUTUAL FIRE INSURANCE COMPANIES.

Power to raise share capital.

**30.** Any Mutual or Cash-Mutual Fire Insurance Company incorporated under this or any former Act, may with the prior assent of the Lieutenant-Governor in Council raise a share or stock capital of not less than \$100,000, and may with the like assent increase the same from time to time to a sum not exceeding \$500,000: provided that the same public notice as that prescribed by section 9 has been given by the company of its intention to raise, or to increase such capital. 44 V. c. 20, s. 11.

Subscribers to become members of company.

**31.** Every subscriber shall, on allotment of one or more shares to him, become a member of the company; with all incidental rights, privileges and liabilities. 44 V. c. 20, s. 12.

**32.** The shares shall be personal estate, and shall be transferable, but no transfer shall be valid unless made on the books of the company; and, until fully paid up, no share shall be transferable without the consent of the board of directors, nor shall any transfer be valid while any call previously made remains unpaid; and the company shall have a lien on the shares of any shareholder for unpaid calls or other debts due by him to the company, and for any obligation held by the company against him; and after any call, debt or obligation becomes due, the company may, upon one month's notice to the shareholder, his executors, or administrators, sell his shares or a sufficient portion thereof to pay the call, debt or obligation, and transfer the shares so sold to the purchaser. **44 V. c. 20, s. 13.**

Transfer of shares.

**33.** The company may, also, after default made in the payment of any call upon any share for one month, and after notice having been first given as in the next preceding section mentioned, declare the share and all sums previously paid thereon, forfeited to the company, and the company may sell or re-issue forfeited shares on such terms as they think fit for the benefit of the company. **44 V. c. 20, s. 14.**

Forfeiture of shares.

**34.** After the sum of \$100,000 of the stock or share capital has been *bona fide* subscribed, and twenty per centum paid thereon into the funds of the company, the company may make insurances for premiums payable wholly in cash; but no insurance on the wholly cash principle shall make the insured a member of the company, or make him liable to contribute or pay any sum to the company, or to its funds, or to any other member thereof, beyond the cash premium agreed upon, or give him any right to a participation in the profits or surplus funds of the company, but the company shall not transact any business wholly on the cash principle without first procuring a license from the Treasurer, pursuant to this Act. **44 V. c. 20, s. 15.**

When company may make insurances for premiums payable wholly in cash.

**35.** The net annual profits and gains of the company not including therein any premium notes or undertakings shall be applied, in the first place, to pay a dividend on the share capital, not exceeding the rate of ten per centum per annum, and the surplus, if any, shall be applied in the manner provided by the by-laws of the company. **44 V. c. 20, s. 16.**

Dividends.

**36.** After the share capital has been subscribed as aforesaid, at least two-thirds of the persons to be elected directors of the company in addition to the qualifications required by section 74 of this Act, shall be holders of shares of the capital stock to the amount of \$3,000, on which all calls have been fully paid; the other one-third of the directors to be elected shall possess at least the qualifications required by section 74. **44 V. c. 20 s. 17.**

Qualification of directors.



By-laws.

**37.** The board of directors of any company which shall raise a share or stock capital under this Act, may make such by-laws, subject to the provisions of this Act and not inconsistent with or contrary to law, as may be necessary to carry out the objects and intentions of this Act, and to give effect to the provisions thereof; and may rescind, alter, vary, or add to the same from time to time. 44 V. c. 20, s. 18.

How a mutual company may become a stock company.

**38.** Any Mutual or Cash-Mutual Fire Insurance Company heretofore incorporated or organized, or which may be hereafter incorporated or organized under any of the laws of this Province, having surplus assets, aside from premium notes or undertakings, sufficient to reinsure all its outstanding risks, after having given notice once a week for four weeks of their intention, and of the meeting hereinafter provided for, in the *Ontario Gazette* and in a newspaper published in the County where the company is located, with the consent of two-thirds of the members present at any regular annual meeting, and of two-thirds of the subscribers of guarantee capital or share or stock capital, or at any special meeting duly called for the purpose, or with the consent, in writing, of two-thirds of the members of the company, and the consent, also, of three-fourths of the directors, and of two-thirds of the subscribers to the guarantee capital and share or stock capital, may, as provided in section 4 of this Act, be formed into a joint stock company under *The Ontario Joint Stock Companies Letters Patent Act*, application having been made in terms of that Act; and every member of such company, on the day of said annual or special meeting, or the date of the written consent, shall be entitled to priority in subscribing to the capital stock of the company, for one month after the opening of the books of subscription to the capital stock, in proportion to the amount of insurance held by such members on unexpired risks in force on the day of the annual or special meeting, or the date of the written consent; and every company so changed or organized shall come under and be subject to the provisions of the said last mentioned Act as provided in section 4 of this Act. 44 V. c. 20, s. 19.

New company to be answerable for liabilities of former company.

**39.** Any company which may be formed under the provisions of the last preceding section shall be answerable for all the liabilities of the company from which it has been formed, and may be sued therefor by or under its new corporate name, and the assets, real and personal, of the old company shall pass to and become vested in the new company. 44 V. c. 20, s. 20.

#### GOVERNMENT DEPOSITS.

Deposit by Company.

**40.**—(1) Except Mutual Fire Insurance companies licensed only for the insurance of farm buildings and isolated risks, every company shall, before the original issue or the renewal of the license,

license, lodge with the Treasurer either in cash, or in any stock, debentures, or other securities in which trustees may invest trust money, the initial or renewal deposits respectively below stated: provided that this section, in so far as it amends the statutes heretofore in force shall not apply to such companies as have heretofore reported to the Department of the Treasurer; but shall, from the passing of this Act, apply to all other companies thereafter licensed. 49 V. c. 16, s. 24; 42 V. c. 21, s. 1. Proviso

(2) The initial deposit to be made by any company before the original issue of the license shall be the sum appointed for such company in sub-section 4 of this section. Initial deposits.

(3) Before the annual renewal of licenses the amount of deposit required of any company shall on or before the first day of July in each year be readjusted in terms of the next following two sub-sections. Renewal deposits.

(4) If on the preceding 31st day of December in any year the company's total contingent liability or amount at risk does not exceed \$2,000,000; Deposits for contingent liability of \$2,000,000 and under.

Then every Joint Stock Fire, or Fire and Inland-Marine Insurance company, and every Life, or Life and Accident company, and every Guarantee and Surety company shall keep on deposit with the Provincial Treasurer, if a Provincial or Canadian company, \$25,000 and if a foreign company \$50,000;

Every Accident company, if Provincial or Canadian, shall keep on deposit with the Provincial Treasurer, \$20,000 and if a Joint Stock foreign company, \$40,000;

Every Provincial Mutual Fire, or Fire and Inland-Marine company, insuring mercantile and manufacturing risks shall keep on deposit with the Provincial Treasurer, \$5,000; and every Provincial Cash-Mutual Fire, or Fire and Inland-Marine company insuring mercantile and manufacturing risks, \$10,000;

Every Live Stock Insurance company shall keep on deposit as aforesaid, if Provincial or Canadian, \$10,000; and if foreign Joint Stock, \$25,000;

Every Plate Glass Insurance company, and every company insuring against the explosion of steam boilers shall keep on deposit, as aforesaid, if Provincial or Canadian, \$5,000; and if foreign Joint Stock, \$10,000;

(5) If on the preceding 31st day of December in any year, the company's total contingent liability, or the amount at risk, exceeds \$2,000,000, then for each additional \$1,000,000, or fraction thereof, the companies enumerated in the next preceding sub-section shall respectively keep on deposit, with the Provincial Treasurer, by way of additional security, a sum equal to one-fifth of the initial deposit; and the additional deposit shall be either in cash or securities as aforesaid. R.S.O. 1877, c. 160, s. 6. Additional deposit for each additional million or fraction thereof.

Deposits, in  
what securi-  
ties.

**41.**—(1) Securities of the Dominion of Canada, or securities issued by any of the Provinces of Canada, shall be accepted at their market value at the time when they are deposited.

(2) The other securities above specified shall be accepted at such valuation and on such conditions as the Treasurer may direct.

If market  
value declines  
company to  
make further  
deposit.

(3) If the market value of any of the securities which have been deposited by any company declines below the value at which they were deposited, the Treasurer may, from time to time, call upon the company to make a further deposit, so that the market value of all the securities deposited by any company shall be equal to the amount which they are required to deposit by this Act. R. S. O. 1877, c. 160, s. 7.

Securities,  
etc., vested in  
Treasurer of  
Ontario by  
virtue of his  
office, to vest  
in his suc-  
cessor.

(4) Where any security, obligation or covenant, or any interest in any real or personal estate, effects, or property is given, or transferred to, made with, or vested in the Treasurer of Ontario, by virtue of his office of Treasurer, such security, obligation or covenant, and any right of action in respect thereto, and all the estate, right or interest of the said Treasurer in respect of such real or personal estate, effects or property upon the death, resignation or removal from office of the Treasurer, from time to time, and as often as the case happens and the appointment of a successor takes place, shall, subject to the same trusts as the same were respectively subject to, vest in the succeeding Treasurer by virtue of this Act, and shall and may be proceeded on by any action or in any other manner, or may be assigned, transferred or discharged, in the name of such succeeding Treasurer as the same might have been proceeded on, assigned, transferred or discharged by the Treasurer to, with or in whom they were first given, transferred, made, or vested if he had continued to hold office. 47 V. c. 6. s. 1.

Assignment,  
etc., of  
securities.

(5) Every such security, obligation, covenant or interest in real or personal estate, effects and property may in like manner as in the last sub-section mentioned be proceeded on, assigned, transferred or discharged by and in the name of any member of the Executive Council of Ontario, acting under the authority of section 3 of *The Act respecting the Executive Council*. 47 V. c. 6, s. 2.

Application of  
sub-sect. 4.

(6) The fourth sub-section shall apply to every security, obligation or covenant, and every interest in real or personal estate, effects or property given or transferred to, made with, or vested in any former Treasurer of Ontario, by virtue or on account of his office, and shall transfer all the interest, rights and estate of the former Treasurer to the present Treasurer of Ontario, to be vested in him by virtue of his office and subject to the provisions of this Act. 47 V. c. 6, s. 3.

Treasurer may  
allow com-  
panies to

(7) Where any company desires to substitute other securities within section 40 for securities deposited with the Treasurer,



Treasurer, the Treasurer, if he thinks fit, may permit the substitution to be made. 47 V. c. 6, s. 4.

change securities deposited with him.

42. A company may deposit in the hands of the Treasurer any sums of money or securities of the kind prescribed by section 40, beyond the sum by the said section required; and such further sums of money or securities shall be dealt with as if the same had been part of the original deposit; and no part of the additional deposit shall be withdrawn except with the sanction of the Lieutenant-Governor in Council. R. S. O. 1877, c. 160, s. 11.

Company may deposit beyond the amount absolutely required.

As to withdrawal of surplus.

43. A company having made a deposit under this Act shall be entitled to withdraw the deposit, with the sanction of the Lieutenant-Governor in Council, whenever it is made to appear to the satisfaction of the Lieutenant-Governor in Council that the company is carrying on its business of insurance under license from the Dominion of Canada. R. S. O. 1877, c. 160.

Withdrawal of deposit where company licensed by Dominion.

44. If from the annual statements, or after examination of the affairs and condition of any company, it appears that the re-insurance value of all its risks outstanding in Ontario, together with any other liabilities in Ontario, exceeds its assets in Ontario, including the deposit in the hands of the Treasurer, then the company shall be called upon by the Treasurer to make good the deficiency at once, and on failure so to do, its license shall be cancelled, and its corporate powers shall thereupon cease and determine, except for the purpose of winding up its affairs as provided in section 7. R. S. O. 1877, c. 160, ss. 13, 3.

Any deficiency of security to be made good or license forfeited.

45. Except in cases with respect to which it may be otherwise provided by the Lieutenant-Governor in Council, so long as any company's deposit is unimpaired and no notice of any final judgment or order to the contrary is served upon the Provincial Treasurer, the interest upon the securities forming the deposit shall be handed over to the company. R. S. O. 1877, c. 160, s. 14.

As to interest on securities.

46. Where a company fails to make the deposits under this Act at the time required, or where written notice has been served on the Provincial Treasurer of an undisputed claim arising from loss insured against in Ontario remaining unpaid for the space of sixty days after being due, or of a disputed claim after final judgment in a regular course of law and tender of a legal valid discharge being unpaid, so that the amount of securities representing the deposit of the company is liable to be reduced by sale of any portion thereof, the license of the company shall *ipso facto* be null and void, and shall be deemed to be cancelled as in section 44; but the license may in the two last mentioned cases be renewed, and the company may again transact business, if

Licenses forfeited by failure to deposit, non-payment of claims and consequent deficiency of security.

Renewal on certain conditions.

if within sixty days after notice to the Provincial Treasurer of the company's failure to pay any undisputed claim, or the amount of any final judgment as provided in this section, such undisputed claims or final judgments upon or against the company in Ontario are paid and satisfied, and the company's deposit is no longer liable to be reduced below the amount required by this Act. R. S. O. 1877, c. 160, s. 20.

Government deposit security for certain contracts only.

**47.** The securities deposited with the Treasurer shall be subject to administration only in respect of any contract which falls within section 2, and which further has for its subject some property in the Province, or property in transit to or from the Province, or the life, safety, health, fidelity, or insurable interest of some resident of the Province, or where the contract itself makes the payment thereunder primarily payable to some resident of the Province. 46 V. c. 15, s. 14.

When a company shall be liable to have deposits administered.

**48.—(1)** Any company shall be liable to have its deposits in the hands of the Treasurer administered in manner hereinafter mentioned upon the failure of the company to pay any undisputed claim arising under any contract within section 47 for the space of sixty days after being due, or, if disputed, after final judgment and tender of a legal valid discharge, and (in either case) after notice thereof to the Provincial Treasurer, and to the Inspector of Insurance. In case of such administration, all deposits of the company, held by the Treasurer, shall be applied *pro rata* towards the payment of all claims duly authenticated against the company, as well as in respect of unearned premiums, such being claims and premiums under the contracts aforesaid, and the distribution of the proceeds of such deposits may be made by order of the High Court.

Provisions for application of deposits in such case.

Proviso, if delay was given for the payment of any loss.

**(2)** In any case where a claim accruing on the occurrence of any event is by the terms of the contract payable on proof of such occurrence, without any stipulated delay, the notice required under this section shall not be given until after the lapse of sixty days from the time when the claim becomes due. R. S. O. 1877, c. 160, s. 21.

Surrender of deposit.

**49.** Before an application is made to a Court for the surrender of a company's deposit with the Government at least ten days' notice of such intended application shall be served on the Treasurer or his deputy, and also upon the Inspector of Insurance; and the notice shall designate the Court to which application is proposed to be made, and shall state the day named for the hearing of the same. 46 V. c. 15, s. 12.

Appointment of receiver; his duty.

**50.—(1)** Upon granting an order for administration as aforesaid, the Court shall appoint a receiver, who may be an officer of the Court, who shall forthwith call upon the company to furnish a statement of all its outstanding contracts, being within the sections 2 and 47, and upon all claimants under such contracts

contracts to file their claims; and upon the filing of the claims before the receiver, the parties interested shall have the right of contestation thereof, and the right of appeal from the decision of the receiver to the Court as aforesaid, according to the practice of the Court; and in case of any such administration, the claimants aforesaid shall be entitled to claim for a part of the premiums paid proportionate to the unexpired period of their contracts respectively, and such unearned premiums shall rank with judgments obtained and claims accrued, in the distribution of the assets; and upon the completion of the schedule to be prepared by the receiver of all judgments against the company upon the said outstanding contracts, and of all claims for unearned premiums or for surrender of policies, the Court shall cause the securities held by the Treasurer for the company, or any part of them, to be sold in such manner and after such notice and formalities as the Court appoints; and the proceeds thereof, after paying expenses incurred, shall be distributed *pro rata* amongst the claimants according to the schedule, and the balance, if any, shall be surrendered to the company. But, if any claim arises within section 47 after the statement of the said outstanding contracts has been obtained from the company, as hereinbefore provided, and before the final order of the Court for the distribution of the proceeds of the securities, or if the proceeds of the securities are not sufficient to cover in full all claims recorded in the schedule, such additional claimants shall not be barred from any recourse they may have against the company in respect of such deficiency.

Proceedings in case of administration.

What may be claimed by parties insured in Ontario.

Sale of securities deposited.

If further loss occurs and deposits do not cover claims.

(2) The Court, by the order appointing a receiver, or by any subsequent order, may authorize the receiver to exercise in respect of the accounts of the company all or any of the powers which the Master in Ordinary would have if he were taking an account of the claims against the said deposit, and every receiver so authorized shall possess the said powers as well as the powers usually enjoyed by a receiver appointed under an order of the said Court. R. S. O. 1877, c. 160, s. 22.

Court may confer upon receiver the power of a Master.

**51.** Where a company has ceased to transact business in Ontario, and has given written notice to that effect to the Treasurer, and to the Inspector, it shall re-insure all such outstanding contracts as are within section 47 in some company or companies licensed to do business in Ontario, or obtain a discharge of such contracts, and its securities shall not be delivered to the company until the same is done, to the satisfaction of the Treasurer. R. S. O. 1877, c. 160, s. 23.

Duty of Company ceasing business.

**52.** Upon making application for its securities, the company shall file with the Inspector a list of all contracts within section 47 which have not been so re-insured or have not been discharged; and it shall at the same time publish in the *Ontario Gazette* a notice that it has applied to Government

Conditions on which deposits may be released.



ernment for the release of its securities on a certain day, not less than three months after the date of the notice, and calling upon all claimants, contingent or actual, opposing the release to file their opposition with the Inspector on or before the day so named; and after that day, if the Treasurer is satisfied that the company has ample assets to meet its liabilities under section 47, all the securities may be released to the Company by an order of the Lieutenant-Governor in Council, or a sufficient amount of them may be retained to cover the claims filed; and the remainder may be released, and thereafter from time to time as such opposing claims lapse, or proof is adduced that they have been satisfied, further releases may be made on the authority aforesaid. R. S. O. 1877, c. 160, s. 24.

#### LICENSE.

Certain documents to be filed before license is granted; what they must show.

**53.**—(1) Before the issue of a license to a company not incorporated by Provincial authority, the company shall file in the office of the Inspector, a certified copy of the Act of incorporation, or other instrument of association of the company, and also a power of attorney from the company to its chief officer or agent in the Province, under the seal of the company, and signed by the president and secretary or other proper officer thereof, containing the matters hereinafter mentioned, verified by their oath, and further corroborated on oath by the said chief officer or agent in the Province, or by some person cognizant of the facts necessary to its verification, and also a statement of the condition and affairs of the company on the 31st day of December then next preceding, or up to the usual balancing day of the company (but such day shall not be more than twelve months before the filing of the statement), in such form as may be required by the Treasurer of Ontario.

Contents of power of attorney.

(2) The power of attorney shall declare at what place in the Province the chief agency of the company is, or is to be established, and shall expressly authorize the attorney to receive process in all actions and proceedings against the company in the Province for any liabilities incurred by the company therein, and shall declare that service of process for or in respect of such liabilities at the chief agency, or personally on the attorney, at the place where such chief agency is established, shall be legal and binding on the company to all intents and purposes.

If changes are made in chief agency, document to be filed.

(3) Whenever a company licensed under this Act changes its chief agent or chief agency in Ontario, the company shall file a power of attorney as hereinbefore mentioned, specifying the change, and containing a similar declaration as to service of process as hereinbefore mentioned.

Such documents to be filed in Court.

(4) Duplicates of all such documents duly verified as aforesaid shall be filed at Toronto, in the office of the Clerk of the Process. R. S. O. 1877, c. 160, s. 15.

Certain records to be kept in the

(5) There shall be kept in the office of the Inspector a record of the several documents filed by every company

company under this section, and under the heading of the company shall be entered the securities deposited on its account with the Provincial Treasurer, naming in detail the several securities, their par value, and value at which they are received as deposit; and before the issue of a new license, or the renewal of a license to a company, the requirements of the law shall be complied with by the company, and the statement of its affairs must shew that it is in a condition to meet its liabilities; and a record of the licenses as they are issued or renewed shall also be kept in the office of the Inspector. R. S. O. 1877, c. 160, s. 29.

Treasury Department.

Terms whereon license may be renewed.

**54.**—(1) After the certified copies referred to in the last preceding section and the power of attorney are filed as aforesaid, any process in any action or proceeding against the company, for liabilities incurred in the Province, may be served on the company at its chief agency, and all proceedings may be had thereupon to judgment and execution in the same manner and with the same force and effect as in the proceedings in a civil action in the Province.

Process and actions.

(2) Nothing herein contained shall render invalid service in any other mode in which the company may be lawfully served. R. S. O. 1877, c. 160, s. 16.

Service otherwise than as above.

**55.** Except companies licensed by the Treasurer, and companies specified in section 3, it shall not be lawful for a company to undertake or effect or solicit, or to agree or offer to undertake or effect, any contract within the intent of section 2, whether the contract be original or renewed; or to accept, or agree or negotiate for any premium or other consideration for the contract; or to prosecute or maintain any action or proceeding in respect of the contract, except such actions or proceedings as arise in winding up the affairs of the company under section 7. R. S. O. 1877, c. 160, s. 3.

Companies required to be licensed.

**56.** Any director, officer, agent, employee, or other person who, in contravention of section 55 undertakes or effects, or agrees or offers to undertake or effect, or solicits, any contract or collects any premium in behalf of any company, without the company being licensed under this Act, or if such license has been withdrawn, without the renewal thereof, or without filing the copy of the Act of incorporation, or other instrument of association of the company, and the power of attorney or any renewal thereof in the event of any change as hereinbefore provided, shall be liable to a penalty of \$200 for every such contravention of this Act, which penalty may be sued for and recovered on information filed in the name of the Attorney-General of Ontario; and one-half of the penalty, when recovered, shall be paid for the use of the Province, and the other half of the penalty to the informer; and in case of non-payment

Penalty for transacting business in contravention of this Act.

How enforced and applied.

ment of the penalty and costs within one month after judgment, the person so offending shall be liable to imprisonment in any gaol or prison for a period not exceeding three months, in the discretion of the Court wherein he is convicted. R.S.O. 1877, c. 160, s. 19; 44 V. c. 20, s. 23.

Form of  
license.

**57.** The license shall be in such form as may be from time to time determined by the Treasurer, and shall specify the business to be carried on by the company; and shall expire on the thirtieth day of June in each year, but shall be renewable from year to year. R. S. O. 1877, c. 160, s. 4.

When license  
shall issue.

**58.** As soon as the company applying for a license has deposited with the Treasurer the securities hereinbefore mentioned, and has otherwise conformed to the requirements of this Act, the Treasurer may issue the license. R. S. O. 1877, c. 160, s. 5.

Companies to  
give notice of  
license.

and of ceasing  
business.

**59.** Every company obtaining a license shall forthwith give due notice thereof in the *Ontario Gazette*, and in at least one newspaper in the county, city, or place where the head office or chief agency is established, and shall continue the publication thereof once each week for the space of four weeks: and the like notice shall be given for the same period when the company ceases, or notifies that it intends to cease, to carry on business in Ontario. R. S. O. 1877, c. 160, s. 17.

**60.**—(1) Where a company desires to extend its business to some other branch within the intent of this Act, and has complied with the law in respect of additional deposit and otherwise, the Treasurer may on the report of the Inspector issue to the company a supplementary license authorizing it to undertake such other branch of business.

(2) When a supplementary license is granted, it shall be recorded in the books of the Inspector and filed in the same registry office as the original or prior license.

(3) The provisions herein enacted as to the continuance, renewal, suspension, and cancellation of licenses, shall equally apply to supplementary licenses. 44. V. c. 20, s. 6; 47 V. c. 28, s. 1.

Company  
ceasing busi-  
ness in certain  
cases to pay  
losses.

**61.** After a company has ceased to transact business in Ontario after the notice hereby required, and its license has in consequence been withdrawn, the company shall nevertheless pay the losses arising from policies not re-insured or surrendered, as if the license had not been withdrawn. R. S. O. 1877, c. 160, s. 25.

Statement to  
be published

**62.** The Provincial Treasurer shall cause to be published half-yearly in the *Ontario Gazette*, a list of companies licensed under



under this Act, with the amount of the deposit made by each company; and upon a new company being licensed, or upon the license of a company being withdrawn in the interval between two such half-yearly statements, he shall publish a notice thereof in the *Ontario Gazette* for the space of two weeks. R. S. O. 1877, c. 160, s. 18.

### FEES.

**63.** Each company respectively shall pay to the Treasurer the following fees:—

1 For recording and filing in the office of the inspector the documents required by sections 4, 17, 53. ....	\$ 10 00
2 For change of attorney under section 53 .....	5 00
Application for change of name or of head office .....	10 00
3 For initial license to do business:—	
Joint stock company.....	100 00
Cash-Mutual company.....	50 00
Mutual .....	25 00
4 For each annual renewal of license:—	
Joint stock company.....	50 00
Cash-Mutual company.....	25 00
Mutual .....	5 00
5 For each Supplementary License:—	
Initial .....	20 00
Renewal .....	10 00
6 For filing annual statements:—	
Joint stock company.....	5 00
Cash-Mutual company.....	5 00

R. S. O. 1877, c. 160, s. 35; cf. 44 V. c. 20 s. 5; 47 V. c. 28, s. 2.

### INTERNAL MANAGEMENT OF MUTUAL AND CASH-MUTUAL FIRE INSURANCE COMPANIES.

**64.** Sections 65 to 87 inclusive, shall apply only to Mutual and Cash-Mutual Fire Insurance companies. Restricted application.

#### *1.—Admission and withdrawal of members.*

**65.** The company may admit, as a member thereof, the owner of any property, movable or immovable, and may insure the same, whether the owner thereof is or is not a freeholder; and every person admitted a member of the company by the insurance shall be entitled to the like rights, and be subjected to the like liabilities as other members of the company. R. S. O. 1877, c. 161, s. 30.

**66.** Members of any such company insuring in one branch shall not be liable for claims on any other Mutual branch; but this limitation of liability shall not apply as between Power to admit members and insure.  
Members to be liable to one branch only.

between the Cash branch of a Cash-Mutual company and any other branch thereof. R. S. O. 1877, c. 161, ss. 66, 29.

Liability of members.

**67.** No member of any Mutual Insurance company to which this Act may apply shall be liable in respect of any loss or other claim or demand against the company, otherwise than upon and to the extent of the amount unpaid upon his premium note or undertaking. R. S. O. 1877, c. 161, s. 68.

Members withdrawing.

**68.** Any member of the company may, with the consent of the directors, withdraw therefrom upon such terms as the directors may lawfully require. R. S. O. 1877, c. 161, s. 31.

## *2.—General Meetings.*

Annual meeting for election of Directors.

**69.** A meeting of the members for the election of directors shall be held in every year, within two months after the thirty-first day of December in each year, at such time and place as may be prescribed by the by-laws of the company. R. S. O. 1877, c. 161, s. 10.

Annual report and statement.

**70.** At annual meetings, in addition to the election of directors, a report of the transactions of the company for the year ending on the previous thirty-first day of December, shall be presented and read, together with a full and unreserved statement of its affairs, exhibiting receipts and expenditures, assets and liabilities. R. S. O. 1877, c. 161, s. 11

Notice of annual or special meetings.

**71.** Notice of any annual or special meeting of the members of the company shall be published in one or more newspapers for at least two weeks previous to the day of the meeting; and the board of directors may convene at any time a general meeting of the company upon any urgent occasion, giving notice thereof as herein provided. R. S. O. 1877, c. 161, s. 12.

Members to have votes proportionate to the amount of their insurance.

**72.** Each member of the company shall be entitled, at all meetings of the company, to the number of votes proportioned to the amount by him insured, according to the following rates, that is to say: for any sum under \$1,500, one vote; from \$1,500 to \$3,000, two votes; from \$3,000 to \$6,000, three votes; and one vote for every additional \$3,000; but no member shall be entitled to vote while in arrear for any assessment or premium due by him to the company. R. S. O. 1877, c. 161, s. 13.

Right of applicants to vote.

**73.** No applicant for insurance shall be competent to vote or otherwise take part in the company's proceedings until his application has been accepted by the board of directors. 48 V. c. 36, s. 6.

*3.—Directors.—Qualification, Election, etc.*

**74.** The directors shall be members of the company, and insured therein, for the time they hold office, to the amount of \$800 at least; and where the Company has a share capital two-thirds of the directors shall have the further qualification mentioned in section 36 of this Act. R. S. O. 1877, c. 161, s. 14. Qualification of directors.

**75.—(1)** The Board of directors shall consist of six, nine twelve or fifteen directors, as shall be determined by resolution passed at the meeting held under section 13 or at an annual meeting of the company, or at a special general meeting called for the purpose of such determination and election. Number of directors to be determined by resolution.

(2) The number of directors constituting such board may from time to time be increased or decreased, if so decided at a special general meeting of the company called for the purpose, or at an annual meeting, if notice in writing of the intention to move a resolution for that purpose at such annual meeting is given to the secretary of the company at least one month before the holding of the meeting; but the increased or decreased number of directors shall in any such case be six, nine, twelve or fifteen as aforesaid. 48 V. c. 36, s. 1.

**76.** A copy of the resolution specified in the last preceding section, together with a list of the directors elected thereunder, both documents being duly certified under the hands of the chairman and secretary of the annual meeting or special general meeting aforesaid, shall be filed in the office of the Inspector and also in the Registry Office. 48 V. c. 36, s. 2. Copy of resolution and list of directors to be filed.

**77.** Of the directors elected, as hereinbefore provided, one-third shall retire annually in rotation, and at the first meeting of the directors, or as soon thereafter as possible, it shall be determined by lot which of them shall hold office for one, two or three years respectively, and the determination shall be entered of record as part of the minutes of said first meeting. 48 V. c. 36, s. 3. Retirement of directors in rotation.

**78.** At every annual meeting of the company thereafter, one-third of the total number of directors shall be elected for a period of three years, to fill the places of the retiring members, who shall be eligible for re-election. 48 V. c. 36, s. 4. Annual election to fill vacancies.

**79.** The Manager of a Mutual Insurance Company may be a director of the company, and may be paid an annual salary, but only under a by-law of the company. R. S. O. 1877, c. 161, s. 15. Manager may be a director. His salary.

**80.** No agent or paid officer, or person in the employment of Certain persons not



eligible to be elected directors.

of the company, other than the manager, shall be eligible to be elected a director or shall be allowed to interfere in the election of directors for the company. R. S. O. 1877, c. 161, s. 16.

Election of directors.

**81.** The election of directors shall be held and made by such members of the company as attend for that purpose in their own proper persons. R. S. O. 1877, c. 161, s. 17.

Mode of election.

**82.** The election of directors shall be by ballot. R. S. O. 1877, c. 161, s. 18.

Case of a tie at an election.

**83.** If at any such election two or more members have an equal number of votes, in such manner that a less number of persons than the whole number to be elected appear to have been chosen directors by a majority of votes, then the said members of the company shall proceed to elect by ballot, until it is determined which of the persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of directors to be elected; and the directors shall at their first meeting after any such election, proceed to elect by ballot among themselves, a president and vice-president, and at such election the secretary shall preside. R. S. O. 1877, c. 161, s. 19.

Election of a President and Vice-President.

Vacancies in office of director, how filled up.

**84.** If a vacancy happens among the directors during the term for which they have been elected, by death, resignation, ceasing to have the necessary qualification under section 74 of this Act, insolvency, or by being absent, without previous leave of the board, from the board for three regular meetings in succession, which shall *ipso facto* create such vacancy, the vacancy shall be filled up, until the next annual meeting, by any person duly qualified, to be nominated by a majority of the remaining directors, and as soon as may be after the vacancy occurs; and at the next annual meeting the vacancy shall be filled for the portion of the term still unexpired. R. S. O. 1877, c. 161, s. 20; 48 V. c. 36, s. 5.

Provision in case of failure to elect directors on proper day.

**85.** In case an election of directors is not made on the day on which it ought to have been made, the company shall not for that cause be dissolved, but the election may be held on a subsequent day, at a meeting to be called by the directors, or as otherwise provided by the by-laws of the company, and in such case the directors shall continue to hold office till their successors are elected. R. S. O. 1877, c. 161, s. 21.

Quorum of directors.

**86.** Three directors shall constitute a quorum for the transaction of business; and in case of an equality of votes at any meeting of the Board, the question shall pass in the negative. R. S. O. 1877, c. 161, s. 22.

Directors disagreeing may record their dissent.

**87.** A director disagreeing with the majority of the board at a meeting, may have his dissent recorded, with his reasons therefor. R. S. O. 1877, c. 161, s. 23.

POWERS

## POWERS OF DIRECTORS—GENERAL PROVISIONS.

**88.** Sections 89 to 98 inclusive shall apply to all companies transacting business under license of the Provincial Treasurer. Application of ss. 89-98.

**89.** The board of directors may from time to time appoint a manager, secretary, treasurer, and such other officers, agents, or assistants, as to them seem necessary; prescribe their duties, fix their compensations or allowances; take such security from them as is required by this Act for the faithful performance of their respective duties, and remove them and appoint others instead; the board may also adopt a table of rates, premiums, or premium notes, as the case may be, and vary such table from time to time, and determine the amount of the contract to be undertaken; they may hold their meetings monthly, or oftener if necessary, for transacting the business of the company; and they shall keep a record of their proceedings. Appointment of Manager and other officers.  
Board may adopt a tariff of rates.  
Meetings of the board.  
R. S. O. 1877, c. 161, s. 24.

**90.**—(1) The board may from time to time make and prescribe such by-laws as to them appear needful and proper, respecting the funds and property of the company, the duty of the officers, agents and assistants thereof, the effectual carrying out of the objects contemplated by this Act, the holding of the annual meeting, and all such other matters as appertain to the business of the company, and are not contrary to law, and may from time to time alter and amend the said by-laws, except in cases with regard to which it is provided that any such by-laws shall not be repealed, or where the repeal would affect the rights of others than the members of the company, in any of which cases such by-law shall not be repealed. The Board may pass by-laws.

(2) Every by-law of the board shall be duly entered in the minutes, and when confirmed at any subsequent meeting of the members, shall be held to be and have the same force and effect as a by-law of the company. R. S. O. 1877, c. 161, s. 25.

(3) There shall be filed with the Inspector copies of all by-laws that may from time to time be passed by the company or the board. 46 V. c. 15, s. 2, *part*.

**91.** The board shall superintend and have the management of the funds and property of the company, and of all matters relating thereto and not otherwise provided for. R. S. O. 1877, c. 161, s. 26. The Board to manage the property, etc., of the Company

**92.** The board may make arrangements with any other company licensed to transact business in the Province for the re-insurance, on such conditions with respect to the payment of premiums thereon as may be agreed between them. R. S. O. 1877, c. 161, s. 27. Re-insurance of risks.

investment of capital and funds of the Company.

Recovery of assessments.

Directors may issue debentures and promissory notes for loans ;

assets of the Company to be liable for the same.

Amount of debentures, etc., limited.

Land that may be held by the Company.

Loans to or from directors, etc., forbidden.

Treasurer of Company to give security.

Remuneration of directors.

**93.** The board may, in the name of the company, invest the capital and funds of the company in any stock, debentures, or other securities in which trustees may invest trust money, and may, if a Mutual or Cash-Mutual Company, in the name of the company, recover from any member of such company, in any Court of competent jurisdiction, any premium or assessment upon his premium note payable by him. R. S. O. 1877, c. 161, s. 28.

**94.**—(1) The board may issue debentures or promissory notes in favour of any person, firm, building society, banking or other company, for the loan of money, and may borrow money therefrom on such debentures or promissory notes for any term not exceeding twelve months, and on such conditions as they think proper, and may renew the same from time to time for any such term, the whole of the assets, including premium notes of the company, being held liable to pay the same at maturity, but no such debenture or promissory note shall be for a less sum than \$100.

(2) All the debentures and promissory notes at any one time outstanding shall not exceed one-fourth of the amount remaining unpaid upon the same premium notes. R. S. O. 1877, c. 161, s. 29.

**95.** Every company may hold such lands only as are requisite for the accommodation of the company, in relation to the transaction of their business, or such lands as have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts contracted in the course of their dealings previously to such conveyance, or purchased at sales upon judgments obtained for such debts, and may from time to time sell and convey or lease any such lands. R. S. O. 1877, c. 161, s. 72.

**96.** No company shall contract with any director or officer thereof for any loan or credit, or borrowing of money, and every such attempted loan or borrowing is hereby prohibited ; and any contract in violation of this section shall be void. R. S. O. 1877, c. 161, s. 74 ; 46 V. c. 15, s. 3.

**97.** The treasurer of the company or other officer having charge of the money of the company shall give security to the satisfaction of the board of directors in a sum of not less than \$2,000 for the faithful discharge of his duties. R. S. O. 1877, c. 161, s. 69.

**98.** At any annual meeting of the members or stockholders of a company, or at any special general meeting thereof, if such purpose was clearly expressed in the notice of the special general meeting, it shall be lawful to enact by-laws or pass resolutions for the remuneration of the directors of the company.



pany, and copies of such by-laws or resolutions shall, within one week after their passing, be filed with the Inspector of Insurance, with whom also shall be filed copies of all other by-laws that may from time to time be enacted by the company or by the board of directors. 46 V. c. 15, s. 2.

#### BOOKS, ACCOUNTS AND RETURNS.

**99.** Sections 100 to 105 shall apply to all companies within the intent of this Act. Application of ss. 100-105.

**100.** Every company shall keep such a classification of its contracts, and such registers and books of account as may from time to time be directed or authorized by the Provincial Treasurer; and if it appears at any time to the Inspector that such books are not kept in such business-like way as to make at any time a proper showing of the affairs and standing of the company, he shall report the same to the Provincial Treasurer who shall thereupon nominate a competent accountant to proceed, under the directions of the Inspector, to audit such books and to give such instructions as will enable the officers of the company to keep them correctly thereafter, the expense of the accountant to be borne by the company to which he is sent, and shall not exceed \$5 per day and necessary travelling expenses; the account for such audit and instructions shall be certified and approved as provided in section 148, and thereupon shall be payable by the company forthwith. 44 V. c. 20, s. 21; 43 V. c. 20, s. 1; 42 V. c. 25, s. 5 *part*. Company to keep such books as may be directed by Treasurer.

**101.** Where the company has a share or stock capital, the company shall keep a stock register, in which a register of the transfers of stock shall be accurately kept, and it shall at all reasonable times be open to the examination of any shareholder and the Inspector. The entries in such register shall include the following particulars: the register numbers of the shares transferred; the amount of subscribed stock transferred; the amount heretofore paid up on such stock; the names and addresses of the transferor and the transferee; the date of the transfer and the date of confirmation or disallowance by the board. 46 V. c. 15, s. 13. Transfer register.

**102.** The books and records required to be kept by section 100 and 101, shall include only contracts within section 47. 46 V. c. 15, s. 14. Separate record of Provincial business.

**103.**—(1) It shall be the duty of the president, vice-president, or managing director, secretary, or manager, and treasurer, when the secretary is not also treasurer of the company, to prepare annually under their oath, on the first day of January, or within one month thereafter, a statement of the condition and affairs of the company on the 31st of December then next preceding, exhibiting assets, liabilities, receipts and expenditure, Yearly statement to Treasurer of Ontario, what it must show, and how it must be verified.  
in

in such form and with such items and detail as shall be required by the Provincial Treasurer, and to cause such statement to be deposited in the office of the Inspector, such statement to be accompanied by a declaration to the effect shewn in the form to this sub-section annexed, sworn to before some person duly authorized to administer oaths in any legal proceeding, and every such person is hereby authorized to administer any oath required under this Act. R. S. O. 1877, c. 160, s. 26 ; c. 161, s. 76.

*Form of Declaration to accompany the Statement.*

Province of Ontario, } We,  
County of }

Secretary and Treasurer  
of \_\_\_\_\_ company, severally made oath and say, and each for himself says, that we are the above described officers of the said company, and that we have, each of us individually, the means of verifying the correctness of the statement within contained of the affairs of the said company, and that on the \_\_\_\_\_ day of \_\_\_\_\_ last, all the above described assets were the absolute property of the said company, free and clear from any liens or claims thereon, except as above stated, and that the foregoing statement, with the schedules and explanations hereunto annexed and by us subscribed, are a full and correct exhibit of all the liabilities, and of the income and expenditure, and of the general condition and affairs of the said company, on the said \_\_\_\_\_ day of \_\_\_\_\_ last, and for the year ending on that day.

*Signatures.*

Sworn before me, at the \_\_\_\_\_, this }  
in the county of \_\_\_\_\_, A.D. 18 }  
day of \_\_\_\_\_

R. S. O. 1877, c. 160, *Sched. B.*

Form of statement may be changed by Provincial Treasurer.

(2) The Provincial Treasurer may, from time to time make such changes in the form of the statements as seem to him best adapted to elicit from the companies a true exhibit of their condition in respect to the several points hereinbefore enumerated. R. S. O. 1877, c. 160, s. 26.

Companies to reply to inquiries of Lt. Governor in Council.

(3) Any company shall further, when required, make prompt and explicit answer in reply to any inquiries in relation to its transactions which may be required by the Lieutenant-Governor in Council. R. S. O. 1877, c. 161, s. 76 (2).

Penalty for contravention of above section.

**104.** Any violation of the next preceding section shall subject the company violating the same to a penalty of \$200 for every violation, and of the additional sum of \$100 for every month during which the company neglects to file such affidavits and statements as are therein required; if such penalties are not paid, the Lieutenant-Governor in Council may order such company's license to be suspended or cancelled, as may be deemed expedient. R. S. O. 1877, c. 160, s. 27. *See* c. 161, s. 76.

**105.** The Provincial Treasurer from the yearly statements required to be made, shall prepare annually an abstract report, shewing the results of every company's business together with an analysis of every branch of insurance, with the company's name, classified from the statements made by the respective companies; and the Treasurer shall publish the said abstract report forthwith for general information. R. S. O. 1877, c. 160, s. 30.

#### CONTRACTS OF FIRE INSURANCE—GENERAL PROVISIONS.

**106.** Contracts of fire insurance shall not in any case exceed the term of three years; and the insurance of mercantile and manufacturing risks shall, if on the cash system, be for terms not exceeding one year. R. S. O. 1877, c. 161, s. 75; 41 V. c. 8, s. 17; see R. S. O. c. 161, s. 32.

**107.** Any contract that may be made for one year or any shorter period, may be renewed at the discretion of the board of directors by renewal receipts instead of policy, on the insured paying the required premiums, or giving his premium note or undertaking: and any cash payments for renewal must be made at the end of the year, or other period for which the policy was granted, otherwise the policy shall be null and void. R. S. O. 1877, c. 161, s. 34.

**108.** The company may, within the limits prescribed by the license, insure dwelling houses, stores, shops and other buildings, household furniture, merchandise, machinery, live stock, farm produce and other commodities, against damage or loss by fire or lightning, whether the same happens by accident or any other means, except that of design on the part of the insured, or by the invasion of an enemy, or by insurrection. R. S. O. 1877, c. 161, s. 36.

**109.** The rate to be charged or taken by way of premium note for insuring first-class isolated non-hazardous property shall be not less than one dollar per one hundred dollars per annum; and the minimum rate of insurance upon other property shall be increased relatively with the increased risk, according to the nature of such property: provided that premium notes of less than \$1 per \$100 per annum may be charged or taken when and so long as the gross amount at risk exceeds \$2,000,000, and the total assets of the company do not fall below two per centum of the gross amount at risk; or so long as the company keeps on deposit with the Provincial Treasurer the full amount required of new companies licensed after the commencement of this Act. R. S. O. 1877, c. 161, s. 37.

**110.** All contracts of fire insurance issued by the Board of Directors, sealed with the seal of the company, signed by the President



President or Vice-President, and countersigned by the secretary or acting secretary, shall be binding on the company. R. S. O. 1877, c. 161, s. 38.

Notification of insurance in another Company.

Dissent of the Company to the additional insurance.

**111.**—(1) Whenever notification in writing has been received by a company from a person already insured, of his intention or desire to insure an additional sum on the same property in some other company, the said additional insurance shall be deemed to be assented to unless the company within two weeks after the receipt of such notice, signify to the party, in writing, their dissent; and, in case of dissent, the liability of the insured on the premium note or undertaking, if any, shall cease from the date of the dissent, on account of any loss that may occur to such company thereafter. R. S. O. 1877, c. 161, s. 40.

(2) The notification to the company, and any other written notice to a company for any purpose of this Act, where the mode thereof is not expressly provided, may be by letter delivered at the Head Office of the company in Ontario, or by registered post letter addressed to the company, its manager or agent, at such Head Office, or by such written notice given in any other manner to an authorized agent of the company.

Optional with Directors to pay claims void under s. 111, etc.

**112.** It shall be optional with the directors to pay or allow claims which are void under the 3rd, the 4th, or the 8th Statutory Condition, or section 111 of this Act, in case the said directors think fit to waive the objections mentioned in the said sections. R. S. O. 1877, c. 161, s. 43.

Cancellation of policies.

**113.** The party insured shall if insured against fire on the Mutual plan be liable to pay his proportion of the losses and expenses of the company to the time of cancelling the policy, and on payment of his proportion of all assessments then payable and to become payable in respect of losses and expenses sustained up to such period, shall be entitled to a return of his premium note or undertaking. R. S. O. 1877, c. 161, s. 44.

#### STATUTORY CONDITIONS AND PROVISIONS RELATING THERETO.

Statutory conditions to be part of every policy unless varied.

**114.** The conditions set forth in this section shall, as against the insurers, be deemed to be part of every contract, whether sealed, written or oral, of fire insurance hereafter entered into or renewed or otherwise in force in Ontario with respect to any property therein or in transit therefrom or thereto, and shall be printed on every such policy with the heading *Statutory Conditions*; and no stipulation to the contrary, or providing for any variation, addition or omission, shall be binding on the assured unless evidenced in the manner prescribed by sections 115 and 116. R. S. O. 1877, c. 162, ss. 3, 5; 45 V. c. 20, ss. 2, 3, 4: 44 V., c. 20, s. 28.

1. If any person or persons insures his or their build-  
ings or goods, and causes the same to be described otherwise  
than as they really are, to the prejudice of the company, or  
misrepresents or omits to communicate any circumstance which  
is material to be made known to the company, in order to  
enable it to judge of the risk it undertakes, such insurance  
shall be of no force in respect to the property in regard to  
which the misrepresentation or omission is made.

Misrepresent-  
ation or omis-  
sion.

2. After application for insurance, it shall be deemed that  
any policy sent to the assured is intended to be in accordance  
with the terms of the application, unless the company points  
out, in writing, the particulars wherein the policy differs from  
the application.

Policy sent to  
be deemed as  
applied for un-  
less variance  
pointed out.

3. Any change material to the risk, and within the  
control or knowledge of the assured, shall avoid the policy as  
to the part affected thereby, unless the change is promptly  
notified in writing to the company or its local agent; and the  
company when so notified may return the premium for the  
unexpired period and cancel the policy, or may demand in  
writing an additional premium, which the assured shall, if he  
desires the continuance of the policy, forthwith pay to the  
company; and if he neglects to make such payment forthwith  
after receiving such demand, the policy shall be no longer in  
force.

When a  
change as to  
risk shall  
avoid a policy.  
Notice of  
change, etc.

4. If the property insured is assigned without a written  
permission endorsed hereon by an agent of the company duly  
authorized for such purpose, the policy shall thereby become  
void; but this condition does not apply to change of title by  
succession, or by the operation of the law, or by reason of  
death.

Change of  
property.

5. Where property insured is only partially damaged, no  
abandonment of the same will be allowed unless by the consent  
of the company or its agent; and in case of the removal of  
property to escape conflagration, the company will contribute  
to the loss and expenses attending such act of salvage propor-  
tionately to the respective interests of the company or com-  
panies and the assured.

Partial dam-  
age—salvage.

6. Money, books of account, securities for money, and  
evidences of debt or title are not insured.

Money, securi-  
ties, etc.

7. Plate, plate glass, plated ware, jewelry, medals, paint-  
ings, sculptures, curiosities, scientific and musical instru-  
ments, bullion, works of art, articles of vertu, frescoes, clocks,  
watches, trinkets and mirrors, are not insured unless men-  
tioned in the policy.

Plate, paint-  
ings, clocks,  
etc.

8. The company is not liable for loss if there is any prior  
insurance in any other company, unless the company's assent  
thereto appears herein or is endorsed hereon, nor if any subse-  
quent insurance is effected in any other company, unless and  
until

Prior or  
subsequent  
insurance.

until the company assents thereto, or unless the company does not dissent in writing within two weeks after receiving written notice of the intention or desire to effect the subsequent insurance, or does not dissent in writing after that time and before the subsequent or further insurance is effected.

Case of assent  
to other  
insurance.

9. In the event of any other insurance on the property herein described having been assented to as aforesaid, then this company shall, if such other insurance remains in force, on the happening of any loss or damage, only be liable for the payment of a ratable proportion of such loss or damage without reference to the dates of the different policies.

10. The company is not liable for the losses following, that is to say :

Liability in  
case of non-  
ownership.

(a) For loss of property owned by any other party than the assured, unless the interest of the assured is stated in or upon the policy ;

Riot, invasion,  
etc.

(b) For loss caused by invasion, insurrection, riot, civil commotion, military or usurped power ;

Chimneys,  
ashes, stoves.

(c) Where the insurance is upon buildings or their contents —for loss caused by the want of good and substantial brick or stone chimneys ; or by ashes or embers being deposited, with the knowledge and consent of the assured, in wooden vessels ; or by stoves or stove-pipes being, to the knowledge of the assured, in an unsafe condition or improperly secured ;

Goodstowhich  
fire heat is  
being applied.

(d) For loss or damage to goods destroyed or damaged while undergoing any process in or by which the application of fire heat is necessary ;

Repairs by  
carpenters,  
etc.

(e) For loss or damage occurring to buildings or their contents while the buildings are being repaired by carpenters, joiners, plasterers or other workmen, and in consequence thereof, unless permission to execute such repairs had been previously granted in writing, signed by a duly authorized agent of the company. But in dwelling-houses fifteen days are allowed in each year for incidental repairs, without such permission ;

Gunpowder,  
coal oil, etc.

(f) For loss or damage occurring while petroleum, rock, earth or coal oil, camphene, gasoline, burning fluid, benzine, naphtha or any liquid products thereof, or any of their constituent parts (refined coal oil for lighting purposes only, not exceeding five gallons in quantity, or lubricating oil not being crude petroleum nor oil of less specific gravity than required by law for illuminating purposes, not exceeding five gallons in quantity, excepted), or more than twenty-five pounds weight of gunpowder is or are stored or kept in the building insured or containing the property insured, unless permission is given in writing by the company.

Explosion.  
Lightning.

11. The company will make good loss caused by the explosion



sion of coal gas in a building not forming part of gas works, and loss by fire caused by any other explosion or by lightning.

12. Proof of loss must be made by the assured, although the loss be payable to a third party.

Proof of loss when payable to other than assured. Directions to be observed on making claim.

13. Any person entitled to make a claim under this policy is to observe the following directions :

(a) He is forthwith after loss to give notice in writing to the company ;

(b) He is to deliver, as soon afterwards as practicable, as particular an account of the loss as the nature of the case permits ;

(c) He is also to furnish therewith a statutory declaration, declaring,

(1) That the said account is just and true ;

(2) When and how the fire originated, so far as the declarant knows or believes ;

(3) That the fire was not caused through his wilful act or neglect, procurement, means or contrivance ;

(4) The amount of other insurances ;

(5) All liens, and incumbrances on the subject of insurance ;

(6) The place where the property insured, if movable, was deposited at the time of the fire.

(d) He is in support of his claims, if required and if practicable, to produce books of account, warehouse receipts and stock lists, and furnish invoices and other vouchers ; to furnish copies of the written portion of all policies ; to separate as far as reasonably may be the damaged from the undamaged goods, and to exhibit for examination all that remains of the property which was covered by the policy.

(e) He is to produce, if required, a certificate under the hand of a magistrate, notary public, commissioner for taking affidavits, or municipal clerk, residing in the vicinity in which the fire happened, and not concerned in the loss or related to the assured or sufferers, stating that he has examined the circumstances attending the fire, loss or damage alleged, that he is acquainted with the character and circumstances of the assured or claimant, and that he verily believes that the assured has by misfortune and without fraud or evil practice sustained loss and damage on the subject assured, to the amount certified.

14. The above proofs of loss may be made by the agent of the assured, in case of the absence or inability of the assured himself to make the same, such absence or inability being satisfactorily accounted for.

Proof of loss may be made by agent.

15. Any fraud or false statement in a statutory declaration, in relation to any of the above particulars, shall vitiate the claim.

False statement or fraud vitiates claim.

Arbitration in  
case of dif-  
ferences.

16. If any difference arises as to the value of the property insured, of the property saved, or amount of the loss, such value and amount and the proportion thereof (if any) to be paid by the company, shall, whether the right to recover on the policy is disputed or not, and independently of all other questions, be submitted to the arbitration of some person to be chosen by both parties, or if they cannot agree on one person, then to two persons, one to be chosen by the party assured and the other by the company, and a third to be appointed by the persons so chosen, or on their failing to agree, then by the County Judge of the County wherein the loss has happened; and such reference shall be subject to the provisions of the laws applicable to references in actions; and the award shall, if the company is in other respects liable, be conclusive as to the amount of the loss and proportion to be paid by the company; where the full amount of the claim is awarded the costs shall follow the event; and in other cases, all questions of costs shall be in the discretion of the arbitrators. R. S. O. 1887, c. 161, s. 157.

Loss when  
payable.

17. The loss shall not be payable until \_\_\_\_\_ days after completion of the proofs of loss, unless otherwise provided for by the contract of insurance.

(a) The blank shall be filled in the case of mutual and cash mutual companies with the word "sixty," and in the case of other companies with the word "thirty."

Company may  
replace, in-  
stead of pay-  
ing.

18. The company, instead of making payment, may repair, rebuild or replace, within a reasonable time, the property damaged or lost, giving notice of their intention within fifteen days after receipt of the proofs herein required.

Insurance  
terminable on  
notice.

19 The insurance may be terminated by the company by giving notice to that effect, and, if on the cash plan, by tendering therewith a ratable proportion of the premium for the unexpired term, calculated from the termination of the notice: in the case of personal service of the notice five days' notice, excluding Sunday, shall be given. Notice may be given by any company having an agency in Ontario by registered letter addressed to the assured at his last post-office address notified to the company, and where no address notified, then to the post-office of the agency from which application was received, and where such notice is by letter, then seven days from the arrival at any post-office in Ontario shall be deemed good notice. And the policy shall cease after such tender and notice aforesaid, and the expiration of the five or seven days as the case may be.

(a) The insurance, if for cash, may also be terminated by the assured by giving written notice to that effect to the company or its authorized agent, in which case the company may retain the customary short rate for the time the insurance has been in force, and shall repay to the assured the balance of the premium paid.

20. No condition of the policy, either in whole or in part, shall be deemed to have been waived by the company, unless the waiver is clearly expressed in writing, signed by an agent of the company. Waiver of condition.

21. Any officer or agent of the company, who assumes on behalf of the company to enter into any written agreement relating to any matter connected with the insurance, shall be deemed *prima facie* to be the agent of the company for the purpose. Officers assuming to agree in writing to be deemed agents.

22. Every action or proceeding against the company for the recovery of any claim under or by virtue of this policy, shall be absolutely barred, unless commenced within the term of one year next after the loss or damage occurs. R. S. O. 1877, c. 162, *Schedule*. Actions to be brought within one year.

23. Any written notice to a company for any purpose of the statutory conditions, where the mode thereof is not expressly provided, may be by letter delivered at the head office of the company in Ontario, or by registered post letter addressed to the company, its manager or agent, at such head office, or by such written notice given in any other manner to an authorized agent of the company. What constitutes written notice.

**115.** If a company (or other insurer) desires to vary the said conditions, or to omit any of them, or to add new conditions, there shall be added on the instrument of contract containing the printed statutory conditions words to the following effect, printed in conspicuous type, and in ink of different colour:— Variations, how indicated.

#### “VARIATIONS IN CONDITIONS.

“This policy is issued on the above Statutory Conditions with the following variations and additions:

“These variations (*or as the case may be*) are, by virtue of the Ontario Statute in that behalf, in force so far as, by the Court or Judge before whom a question is tried relating thereto, they shall be held to be just and reasonable to be exacted by the company.” R. S. O. 1877, c. 162, s. 4.

**116.** No such variation, addition or omission shall, unless the same is distinctly indicated and set forth in the manner or to the effect aforesaid, be legal and binding on the assured; and no question shall be considered as to whether any such variation, addition or omission is, under the circumstances, just and reasonable, but on the contrary, the policy shall, as against the insurers, be subject to the Statutory Conditions only, unless the variations, additions or omissions are distinctly indicated and set forth in the manner or to the effect aforesaid. R. S. O. 1877, c. 162, s. 5. Variations not binding unless clearly indicated.

**117.** In case a policy is entered into or renewed containing or including any condition other than or different from the conditions Policy containing other than statutory conditions.



conditions set forth in the schedule to this Act, if the said condition so contained or included is held, by the Court or Judge before whom a question relating thereto is tried, to be not just and reasonable, such condition shall be null and void. R. S. O. 1877, c. 162, s. 6 ; c. 161, s. 35, (see s. 119, *infra*.)

If due proof of loss not given through accident, etc., or objection not made thereto, or made on other grounds than non-compliance with conditions ;

or, if full compliance adjudged inequitable,

in above cases, liability and policy not vacated.

**118.** Where, by reason of necessity, accident or mistake, the conditions of any contract of fire insurance on property in this Province as to the proof to be given to the insurance company after the occurrence of a fire have not been strictly complied with ; or where, after a statement or proof of loss has been given in good faith by or on behalf of the insured, in pursuance of any proviso or condition of such contract, the company, through its agent or otherwise, objects to the loss upon other grounds than for imperfect compliance with such conditions, or does not within a reasonable time after receiving such statement or proof notify the assured in writing that such statement or proof is objected to, and what are the particulars in which the same is alleged to be defective, and so from time to time ; or where, for any other reason, the Court or Judge before whom a question relating to such insurance is tried or inquired into, considers it inequitable that the insurance should be deemed void or forfeited by reason of imperfect compliance with such conditions—no objection to the sufficiency of such statement or proof or amended or supplemental statement or proof (as the case may be) shall, in any of such cases, be allowed as a discharge of the liability of the company on such contract of insurance wherever entered into. R. S. O. 1877, c. 162, s. 2.

Appeal.

**119.** A decision of a Court or Judge under this Act shall be subject to review or appeal to the same extent as a decision by such Court or Judge in other cases. R. S. O. 1877, c. 162, s. 7 ; c. 161, s. 35.

Justices of the Peace, etc., may swear and examine witnesses regarding loss.

**120.**—(1) Any Justice of the Peace, or any one having lawful authority to administer an oath or affirmation in any legal proceeding, may examine on oath or solemn affirmation any party or person who comes before him to give evidence touching any loss by fire in which any Fire Insurance Company is interested, and may administer any oath or affirmation required under this Act. R. S. O. 1877, c. 161, s. 62.

May hold special investigation on request.

(2) On receiving a written request from any officer or agent of any insurance company with security for the expenses of an investigation, any Justice of the Peace may at once proceed to hold an investigation as to the origin or cause of any fire that has happened within his county or district, and as to the persons if any, profiting thereby.

Powers.

(3) The Justice of the Peace shall have power to send for persons and papers, and to examine all persons that appear before him on oath or solemn affirmation ; and he shall keep a record

record of all such proceedings and of the evidence given before him.

#### PREMIUM NOTES AND ASSESSMENTS.

**121.** Sections 122 to 136 inclusive shall apply only to Mutual and Cash-Mutual Fire Insurance Companies. Application of ss. 122-136.

**122.** The company may accept premium notes, or the undertaking of the insured, for insurances, and may undertake contracts in consideration thereof; said notes or undertakings to be assessed for the losses and expenses of the company in the manner hereinafter provided. R. S. O. 1877, c. 161, s. 45. Company may accept premium notes.

**123.** The directors may demand in cash a part or first payment of the premium, or premium note or undertaking at the time that application for insurance is made; and such first payment shall be credited upon said premium note or undertaking or against future assessments, but not more than fifty per centum of any premium or premium note or undertaking shall be paid in cash at the time of such application or of effecting the insurance. R. S. O. 1877, c. 161, s. 46; 44 V. c. 20, s. 22. Part payment may be demanded at the time of application for insurance.

**124.** All premium notes or undertakings belonging to the company shall be assessed under the direction of the Board of Directors, at such intervals from their respective dates, for such sums as the directors determine, and for such further sums as they think necessary and as are authorized by this Act for losses, expenses, and reserve, during the currency of the policies for which said notes or undertakings were given, and in respect to which they are liable to assessment; and every member of the company, or person who has given a premium note or undertaking, shall pay the sums from time to time payable by him to the company during the continuance of his policy, in accordance with the assessment; and the assessment shall become payable in thirty days after notice thereof has been mailed to the member, or person who has given the premium note or undertaking, directed to his post office address, as given in his original application, or otherwise in writing to the company. R. S. O. 1877, c. 161, ss. 47, 53. Assessment of premium notes. Notice to be given of the assessment.

**125.** If the assessment on the premium note or undertaking upon a policy is not paid within thirty days after the day on which the assessment has become due, the contract of insurance, for which the assessment has been made shall be null and void as respects all claim for losses occurring during the time of non-payment: but the contract shall be revived when the assessment has been paid, unless the Secretary gives notice to the contrary to the assessed party in the manner in this Act provided; but nothing shall relieve the assured party from his liability to pay the assessment or any subsequent assessments, nor shall the assured party be entitled to

but shall be  
revived by  
subsequent  
payment.

to recover the amount of loss or damage which happens to property insured under the contract while the assessment remains due and unpaid, unless the Board of Directors in their discretion decide otherwise. R. S. O. 1877, c. 161, s. 48.

Requisites of  
notice of as-  
sessment.

**126.** A notice of assessment upon any premium note or undertaking mailed as aforesaid shall be deemed sufficient if it embodies the register number of the contract, the period over which the assessment extends, the amount of the assessment, the time when and the place where payable. R. S. O. 1877, c. 161, s. 40.

Assessment,  
how propor-  
tioned.

**127.** The assessment upon premium notes or undertakings shall always be in proportion to the amount of the notes or undertakings, having regard to the branch or department or the class to which their policies respectively appertain. R. S. O. 1877, c. 161, s. 50.

Company may  
sue for assess-  
ments on pre-  
mium notes.

**128.** If a member or other person, who has given a premium note or undertaking, for thirty days after notice of assessment has been mailed to him in manner aforesaid, neglects or refuses to pay the assessments, the company may sue for and recover the same with costs of suit, and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment. R. S. O. 1877, c. 161, s. 51.

Certificate of  
the Secretary  
to be *prima  
facie* evidence  
of amount due  
to the Com-  
pany.

**129.** Where an assessment is made on any premium note or undertaking given to the company for a risk taken by the company, or as a consideration for any policy of insurance issued, or to be issued by the company, and an action is brought to recover the assessment, the certificate of the secretary of the company, specifying the assessment, and the amount due to the company on the note or undertaking by means thereof, shall be taken and received as *prima facie* evidence thereof in any Court in this Province. R. S. O. 1877, c. 161, s. 52.

Reserve fund.

**130.**—(1) The company may form a reserve fund, to consist of all moneys which remain on hand at the end of each year, after payment of the ordinary expenses and losses of the company; and for that purpose the board of directors may levy an annual assessment not exceeding ten per centum on the premium notes or undertakings held by the company; and the reserve fund may from time to time be applied by the directors to pay off such liabilities of the company as may not be provided for out of the ordinary receipts for the same or any succeeding year. R. S. O. 1887, c. 161, s. 53 (1).

Annual assess-  
ment.

how applied,

how invested.

(2) The reserve fund shall be invested in stock, debentures or other securities in which trustees may invest trust money, or may remain in a chartered bank in Ontario deposited at interest in the name of the company. R. S. O. c. 161, s. 53; 42 V. c. 21, s. 2; 49 V. c. 16, s. 24.



**131.** If there is a loss on property insured by the company, the board of directors may retain the amount of the premium note or undertaking given for insurance thereof, until the time has expired for which insurance has been made, and at the expiration of said time the insured shall have the right to demand and receive such part of the retained sum as has not been assessed for. R. S. O. 1877, c. 161, s. 63.

Directors may retain amount of premium notes.

**132.** Forty days after the expiration of the term of insurance, the premium note or undertaking given for the insurance, shall, on application therefor, be given up to the signer thereof, provided all losses and expenses with which the note or undertaking is chargeable have been paid. R. S. O. 1877, c. 161, s. 54.

When premium note is to be returned.

**133.** Any action cognizable in a Division Court upon or for any premium note or undertaking, or any sum assessed to be assessed thereon, may be entered and tried and determined in the Court for the division wherein the head office or any agency of the company is situate :

Action in Division Courts where brought.

Provided always, that the provisions of this section shall not apply to nor include any such premium note or undertaking made or entered into after the first day of July, 1885, nor any sum assessed thereon, unless within the body of such note or undertaking or across the face thereof, there was at the time of the making or entering into the same, printed in conspicuous type, and in ink of a colour different from any other in or on such note the words following: "Any action which may be brought or commenced in a Division Court in respect or on account of this note or undertaking, or any sum to be assessed thereon, may be brought and commenced against the maker hereof in the Division Court for the division wherein the head office or any agency of the company is situate." R. S. O. 1877, 161, s. 71; 48 V. c. 35, s. 1.

**134.** No premium note or undertaking shall create a lien upon lands on which the insured property is situate. R. S. O. 1877, c. 161, s. 73.

Premium notes not to create lien on land.

**135.** Any Cash-Mutual Fire Insurance company licensed under this Act may effect any insurance upon the cash premium principle, for a period not exceeding three years on farm and other non-hazardous property, and for one year or less on any other class of property; but the amount of cash insurances in one year shall be limited, so that the cash premiums received thereon during any one year shall not be in excess of one-half of the amount still payable in respect of premium notes or undertakings on hand on the thirty-first day of December of the previous year, according to the statement made under section 103; and all the property and assets of the company, including premium notes and undertakings, shall be liable for all

Powers of incorporated companies to insure on the cash premium principle.

Guarantee  
fund.

all losses which may arise under insurances for cash premiums ; and any such company may also create or possess a guarantee capital or fund for the company, according to the provisions of this Act. R. S. O. 1877, c. 161, s. 75 ; 41 V. c. 8, s. 17 ; 44 V. c. 20, s. 7.

Issue of exe-  
cution against  
company.

**136.**—(1) No execution shall issue against a Mutual or Cash-Mutual company upon a judgment until after the expiration of sixty days from the recovery thereof ; but this section shall not apply to any judgment recovered on any policy or undertaking of the company heretofore issued or given where more than fifty per centum of the premium or premium note or undertaking was paid in cash at the time of the insurance or the application therefor.

(2) A judge in chambers, or a referee in chambers, shall, upon the recovery of a judgment against the company, upon the application of the person in whose favour the same has been recovered, upon notice to the company, inquire into the facts, and if he shall certify that more than fifty per centum of the premium, or of the premium note, or undertaking was paid in cash at the time of the insurance, or upon the application therefor, execution may be forthwith issued upon such judgment. R. S. O. 1877, c. 161, 61 ; 44 V. c. 20, s. 27.

#### INSPECTION OF COMPANIES.

Appointment  
of Inspector.

**137.**—(1) For the efficient administration of the Insurance business, the Lieutenant-Governor in Council may appoint an officer to be called the Inspector of Insurance, who shall act under the instructions of the Treasurer of Ontario, and his duty shall be to examine and report to the said Treasurer from time to time upon all matters connected with insurance as carried on by the companies within this Act. 42 V. c. 21, s. 1.

(2) The salary of the Inspector shall be such sum per annum as the Legislature shall, from time to time, determine ; and it shall be lawful to provide from time to time such assistance as may be found necessary. 42 V. c. 25, s. 1 ; 46 V. c. 15, s. 6, *part*.

Inspector to  
keep papers  
on file.

**138.** The Inspector shall keep on file the various documents required by this Act to be filed in his office, and shall keep a record of all licenses issued by the Treasurer. 44 V. c. 20, s. 4.

Duties.

**139.**—(1) The Inspector of Insurance shall, personally or by deputy, visit the head office of every such company in Ontario at least once in every year, and shall carefully examine the statements of the company as to its condition and affairs and report thereon to the Treasurer as to all matters requiring his attention and decision.

(2) The Inspector shall from such examination prepare and lay before the Treasurer an annual report of the condition of every

every company's business as ascertained by him from such inspection, and such report shall be published forthwith after the completion thereof. 42 V. c. 25, s. 2.

**140**—(1) It shall be the duty of the officers or agents of the company to cause their books to be open for the inspection of the Inspector, and otherwise to facilitate the examination so far as may be in their power; and the Inspector or deputy aforesaid shall have power to examine under oath any officer or agent of the company relative to its business. 42 V. c. 25, s. 3, (1, 2.) Powers of Inspector.

(2) A report of all companies so visited shall be entered in a book kept for that purpose, with notes and memoranda shewing the condition of each company; and, where a special examination has been made, a special written report shall be communicated to the Treasurer stating the Inspector's opinion of the condition and financial standing of the company, and all other matters desirable to be made known to the Treasurer. 42 V. c. 25, s. 3, (3.) Report of Inspector.

**141.** Every director, officer, agent, or employee of a company who, knowingly, makes or assists to make any untrue entry in any of the company's books, or who refuses or neglects to make any proper entry therein, or to exhibit the same or allow the same to be inspected and extracts to be taken therefrom shall be guilty of an offence, and, being convicted thereof, shall be imprisoned with or without hard labour in the Central Prison or any gaol of the Province, for a period not exceeding three months. 24 V. c. 18, s. 28; Entries, untrue or omitted.  
Access to books and papers.

**142.**—(1) If it appears to the Inspector that the assets of any company are insufficient to justify its continuance of business, or unsafe for the public to effect insurance with it, he shall make a special report on the affairs of the company to the Treasurer. 42 V. c. 25, s. 3 (4). Provision if company appears unsafe.

(2) After full consideration of the report and a reasonable time being given to the company to be heard, and if, after such further inquiry and investigation (if any), as he may see proper to make, the treasurer reports to the Lieutenant-Governor in Council that he agrees with the Inspector in the opinion expressed in his report, then, if the Lieutenant-Governor in Council also concurs in such opinion, an Order in Council may issue, suspending or cancelling the license of the company, and prohibiting the company from doing any further business, and thereafter it shall not be lawful for the company to do any further business in Ontario, until the suspension or prohibition is removed by the Lieutenant-Governor in Council. 42 V. c. 25, s. 3 (6); R. S. O. 1877, c. 160, s. 34. Suspending license of company.

**143.** Notice of the suspension or cancelling of any license and prohibition from doing any further business, shall be published Notice of suspension of license.



lished in the *Ontario Gazette*; and thereafter any person transacting any business in behalf of the company, except for winding up its affairs pursuant to section 7, shall be deemed to have contravened sections 55 and 56, and shall be liable for each offence to the penalty enacted in section 56. R. S. O. 1877, c. 160, s. 19; 42 V. c. 25, s. 3 (7).

Company assuming name of other company.

**144.**—(1) If it appears to the Inspector that a company which has not been incorporated by special Act of the Legislature has assumed the name of a previously established company, or any name liable to be unfairly confounded therewith, or otherwise on public grounds objectionable, he shall make a report thereof to the Treasurer. 46 V. c. 25, s. 3 (5).

(2) And such name may, upon the written recommendation of the Inspector, be changed by the Lieutenant-Governor in Council, pursuant to section 20.

Inspection of books and papers.

**145.** In order to facilitate the inspection of an insurance company's books and papers the company may be required by the Inspector to produce the said books and papers at the county town of the county in which the head office of the insurance company is situated, or at such other convenient place as the Inspector may direct. 46 V. c. 15, s. 5.

Examination of company's affairs.

**146.** Whenever the affairs of any insurance company doing business in Ontario appear to require the same, the Inspector of Insurance, with the approval of the Provincial Treasurer, may, at the expense of the company, have abstracts prepared of its books and vouchers and a valuation made of the assets and liabilities; and the certificate of the Inspector approved of by the Provincial Treasurer, shall be conclusive as to the expenses to be paid by the company in respect thereof. 46 V. c. 15, s. 7.

Inspector and officers not to be interested in any company.

**147.** The Inspector of insurance, or any officers under him shall not be interested as shareholders, directly or indirectly, with any insurance company doing business in Ontario. 42 V. c. 25, s. 4.

Contribution from companies to expenses.

**148.**—(1). Towards defraying the expenses of the office of the Inspector, a sum not exceeding \$3,000 shall be annually contributed by the companies required to be licensed under this Act.

Mode of determining the amount of contribution to expenses.

(2). The amount to be annually contributed by the insurance companies under the provisions of the last preceding sub-section shall be assessed *pro rata* and based on the gross amount at risk as shewn by the books of the several companies on the 31st day of December next preceding. 42 V. c. 25, s. 5, *part*; 43 V. c. 20, s. 1, *part*; 46 V. c. 15, s. 6, *part*.

Time and manner of payment.

(3). All sums under this Act payable to the Treasurer shall be so paid before the issue of the license, and the Treasurer's certificate.

certificate, or approval of an account certified by the Inspector, shall as to the amount so payable by each or any company be held conclusive. 42 V. c. 25, s. 5 *part*; 43 V. c. 20, s. 1.

**149.** A copy of any document in the office of the Inspector, certified by him to be a true copy and sealed with the seal of his office, shall be held to be authentic, and shall be *prima facie* evidence of the same legal effect as the original in any Court or elsewhere. R. S. O. 1877, c. 30, s. 8.

Certified copies of documents in Inspector's office.

#### LIQUIDATION AND WINDING UP OF COMPANIES.

**150.** When a company proposes to go into voluntary liquidation, at least one month's notice in advance shall be given to the Treasurer and to the Inspector; the like notice shall also be published by the company in two consecutive issues of the *Ontario Gazette*, and in some other newspaper should the Inspector so require; and the notice shall state the date at which contracts shall cease to be taken by the company, also the name and address of the company's liquidator, or the intention of the company to apply on a stated day for the appointment of a liquidator. 46 V. c. 15, s. 9.

Voluntary liquidation.

**151.**—(1) At the winding up of a Mutual or Cash-Mutual Fire Insurance company, after notice has been given as required by section 51, it shall be lawful for the directors of said company to reinsure out of the reserve fund the unexpired contracts for which premiums or premium notes have been taken. 46 V. c. 15, s. 16.

Disposal of reserve at winding up of company.

(2). The said re-insurance shall be effected in some company licensed to transact business in the Province, and approved by the Treasurer.

Reinsuring companies.

**152.** When any company is wound up each person contracted with on the cash plan shall be entitled to a refund from the company of the unearned proportion of the cash premium calculated from the date at which the company, according to the notice in section 150, ceased to undertake contracts; but this shall not destroy or defeat any other remedy such person may have against the company in respect thereof or for any other cause. 46 V. c. 15, s. 10.

Unearned premiums.

**153.** Every receiver, assignee, or liquidator of a company shall, until the affairs of the company are wound up and the accounts are finally closed within seven days after the close of each month, file with the court or other authority appointing him, and also with the Inspector of Insurance, detailed schedules shewing, in such form as may be required, receipts and expenditures, also assets and liabilities, and he shall, whenever by the authority appointing him, or by the Inspector of Insurance, so required to do, exhibit the company's books and vouchers,

Receiver to file statements.

vouchers, and furnish such other information respecting the company's affairs as may be required; and any receiver, assignee or liquidator refusing or neglecting to furnish such information, shall, for each offence, be subject to a penalty of not less than \$50 nor more than \$200, to be recovered on behalf of Her Majesty for the use of this Province; and he shall in addition render himself liable to be dismissed or removed. 46 V. c. 15, s. 11.

Acts repealed. **154.**—(1) The provisions of the statute passed in the 14th year of His Majesty King George the Third and chaptered 78, shall be deemed not to be in force in regard to property in the Province.

(2) The Acts and portions of Acts mentioned in the schedule hereto, are hereby repealed.

#### SCHEDULE OF ACTS REPEALED.

*Schedule of Acts repealed from the day upon which the Ontario Insurance Act, 1887, takes effect.*

TITLE OF ACT.	Extent of Repeal.
R.S.O. 1877 c. 160, An Act respecting Insurance Companies	The whole except as mentioned in section 40 of this Act.
R.S.O. 1877 c. 161, An Act respecting Mutual Fire Insurance Companies	
R.S.O. 1877 c. 162, An Act to secure Uniform Conditions in Policies of Fire Insurance	The whole.
41 V. c. 8, An Act to make certain amendments in the Revised Statutes	Section 17.
42 V. c. 25, An Act to provide for the Inspection of Insurance Companies	The whole.
43 V. c. 20, An Act respecting the Expenses of Inspecting Insurance Companies	The whole.
44 V. c. 20, An Act to give increased stability to Mutual Fire Insurance Companies	The whole.
45 V. c. 20, An Act to extend the application of the Fire Insurance Policy Act	The whole.
46 V. c. 15, An Act relating to the Law of Insurance	The whole.
47 V. c. 6, An Act respecting Securities vested in the Treasurer of the Province	The whole.
47 V. c. 28, An Act respecting Supplementary Licenses to Mutual Fire Insurance Companies	The whole.
48 V. c. 35, An Act to amend the Act respecting Mutual Fire Insurance Companies	The whole.
48 V. c. 36, An Act to regulate the Election of Directors of Mutual Fire Insurance Companies	The whole.



## CHAPTER 27.

## An Act respecting Building Societies.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

This Act may be cited as *The Building Societies Act*. Short title.  
1887.

1. Section 5 of the Act passed in the 49th year of Her Majesty's reign, chapter 34, is hereby repealed and the following substituted therefor:—

5. All transfers of debenture stock of the society shall be registered at the head office of the society or at such place or places in Canada, Great Britain, or any foreign country, as the directors may appoint for that purpose.

2. In case any society or company, subject to the legislative authority of this Province, and incorporated under chapter 164 of the Revised Statutes of Ontario, or any Act thereby consolidated, carries on business in any other Province than Ontario, the said corporation may pass a by-law authorizing the directors to invest the money of the corporation in the purchase of buildings required for the occupation of the corporation, carrying on the business thereof in any place in which the corporation is so carrying on business, and within the limit, if any, authorized in that behalf, by the laws of such other Province.

## CHAPTER 28.

## An Act to amend the Railway Act of Ontario.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 10 of *The Railway Act of Ontario* is amended by adding the following to sub-section 3 of the said section:—

Any person feeling aggrieved by the proposed location of the line of railway may, within ten days after the deposit of the map of line, appeal against the proposed location of line.

map or plan and book of reference aforesaid in the office of the Clerk of the Peace of the District or County where the lands are situated, the location through which is complained of, apply to the Lieutenant-Governor in Council, setting forth his objections to the location of the proposed line, and the Lieutenant-Governor in Council shall, if he considers sufficient cause therefor exists, appoint a disinterested engineer, who shall examine the said proposed line, and after hearing the parties he shall confirm or alter the same as may be consistent with the just rights of all parties and of the public. The determination of the engineer approved by the Lieutenant-Governor in Council, shall, within ten days after his appointment, be made and certified, and such certificate shall be filed in the office of the Clerk of the Peace for the District or County where the lands are situated.

- (a) The said engineer shall be entitled to reasonable fees for each day employed in connection with the said examination and work, together with his actual expenses incurred therein, and the amount shall in the first instance be paid by the person applying for his appointment, but if the proposed route is altered or changed by the engineer, the railway company shall refund to the applicant the amount so paid.

## CHAPTER 29.

### An Act to further amend the Municipal Act.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Short title.

1. This Act may be cited as *The Municipal Amendment Act, 1887*.

46 V. c. 18, s. 73, and amendments repealed.

2. Section 73 of *The Consolidated Municipal Act, 1883*, as amended by *The Municipal Amendment Act, 1885*, and as further amended by *The Municipal Amendment Act, 1886* is hereby repealed, and the following substituted therefor :—

Qualification of mayors, aldermen, etc.

73. No person shall be qualified to be elected a mayor, alderman, reeve, deputy-reeve or councillor of any municipality, unless such person resides within the municipality, or within two miles thereof, and is a natural born or naturalized subject of Her Majesty, and a male of the full age of twenty-one years, and is not disqualified under this Act, and has, or whose

whose wife has, at the time of the election, as proprietor or tenant, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable, rated in his own name, or in the name of his wife, on the last revised assessment roll of the municipality, to at least the value following, over and above all charges, liens and incumbrances affecting the same :

1. In incorporated villages—Freehold to \$200 or leasehold to \$400 ;

2. In towns—Freehold to \$600, or leasehold to \$1,200 ;

3. In cities—Freehold to \$1,000, or leasehold to \$2,000 ;

4. In townships—Freehold to \$400, or leasehold to \$800 ;

And so in the same proportions in all municipalities, in case the property is partly freehold and partly leasehold ;

But if within any municipality any such person is, at the time of election, in actual occupation of any such freehold, rated in his own name, or in the name of his wife, on the last revised assessment roll of the said municipality, he will be entitled to be elected, if the value at which such freehold is actually rated in said assessment roll amounts to not less than \$2,000, and for that purpose the said value shall not be affected or reduced by any lien, incumbrance or charge existing on or affecting such freehold.

3. Section 81 of *The Consolidated Municipal Act, 1883*, is <sup>46 V. c. 18, s. 81, amended.</sup> amended by adding at the end thereof the words, “ but any person who is entitled to vote and who produces and leaves with the deputy returning officer at the time of the tendering of the vote a certificate from the treasurer of the municipality, or the collector of taxes, shewing that the taxes in respect of which the default had been made have since been paid, shall be entitled to vote ; and the deputy-returning officer shall file the certificate, receive the vote and note the same on the defaulters’ lists.”

4. Section 99 of *The Consolidated Municipal Act, 1883*, <sup>46 V. c. 18, s. 99, amended.</sup> is amended by adding at the commencement thereof, the following words :—

“ In any case where a deputy returning officer refuses or neglects to attend at the time and place he is required by the returning officer to receive his voters’ lists, and other election papers, the clerk of the municipality as returning officer shall appoint another person to act in his place and stead, and the person so appointed shall have all the powers and authority that he would have had if he had been appointed by by-law.”

5. Section 138 of *The Consolidated Municipal Act, 1883*, <sup>46 V. c. 18, s. 138, amended.</sup> is amended by striking out all the words after the word “ therein ” in the sixth line of the said section and substituting the



the following therefor, "or when he is a non-resident or is not entitled to vote in the ward or polling sub-division where he resides, then, where he first votes and there only."

46 V. c. 18, s. 139 amended. **6.** Section 139 of *The Consolidated Municipal Act, 1883*, is amended by adding thereto the following sub-section:—

(2) The receipt by any voter of a ballot paper within the polling booth shall be *prima facie* evidence that he has there and then voted.

46 V. c. 18, s. 225, repealed. **7.** Section 225 of *The Consolidated Municipal Act, 1883*, is hereby repealed, and the following substituted therefor:—

Casting vote. **225.** In case of an equality of votes on the election of the head of any county council, or provisional county council, then of those present, the reeve, or in his absence, the deputy-reeve of the municipality which for the preceding year had the greatest equalized assessment, shall have a second and casting vote.

46 V. c. 18, s. 246 (49 V. c. 37, s. 3), repealed. **8.** Section 246 of *The Consolidated Municipal Act, 1883*, as amended by section 3 of *The Municipal Amendment Act, 1886*, is hereby repealed.

46 V. c. 18, ss. 247-251, 264, repealed. **9.** Sections 247, 248, 249, 250, 251 and 264 of *The Consolidated Municipal Act, 1883*, are hereby repealed.

46 V. c. 18, s. 260, amended. **10.** Section 260 of *The Consolidated Municipal Act, 1883*, is amended by adding thereto the following words: "And in the event of any auditor so appointed to audit the accounts of the county refusing, or being unable to act, then the head of the council shall nominate another person to act in his stead."

46 V. c. 18, s. 262 repealed. **11.** Section 262 of *The Consolidated Municipal Act, 1883* is repealed and the following substituted in lieu thereof:

Auditors to prepare abstract and statement of receipts and expenditure.

**262.** The auditors shall prepare in duplicate an abstract of the receipts, expenditure, assets and liabilities of the corporation, and also a detailed statement of the same in such form as the Council directs. They shall make a report on all accounts audited by them and a special report of any expenditure made contrary to law. The auditors shall transmit one copy of the abstract to the secretary of the Bureau of Industries, Toronto, and shall file the other, together with the detailed statement and reports in the office of the clerk of the council within one month after their appointment, and thereafter any inhabitant or ratepayer of the municipality may inspect the same at all reasonable hours and may by himself or his agent at his own expense take a copy thereof, or extracts therefrom.

Returns to be made by treasurers to

**12.** The treasurer of every municipality shall, on or before the first day of May in each year, under a penalty of \$20 in case

case of default, furnish to the secretary of the Bureau of Industries, Toronto, on schedules or forms furnished by said secretary and approved by the Lieutenant-Governor in Council, such information or statistics regarding the finances or accounts of the municipality, as such schedules or forms call for.

13. The clerk of every municipality shall in each year, within one week after the final revision of the assessment roll, under a penalty of \$20 in case of default, make a return to the secretary of the Bureau of Industries, Toronto, on schedules or forms furnished by the said secretary, and approved by the Lieutenant-Governor in Council, of such statistics or information as the assessment roll or other records of his office afford, and as such schedules or forms call for.

14. The secretary of the Bureau of Industries, shall, as soon as may be, after the opening of every Session of the Legislature, report to the Minister of Agriculture for the purpose of being laid before the Legislative Assembly, a tabulated statement of all the returns hereinbefore required to be made.

15. The treasurer of the Province shall retain in his hands any moneys payable to any municipality, if it is certified to him by the secretary of the Bureau of Industries, that the treasurer or clerk of such municipality has not made the returns hereinbefore required.

16. Sub-section 1 of section 369 of *The Consolidated Municipal Act, 1883*, is repealed, and the following is substituted for the said sub-section :

369—(1) If, on account of a sum being on hand from a previous year, or a sum being on hand which has been derived from the work, or from the investment of the sinking fund, or on account of the increased value of property liable to assessment, it is found to be unnecessary to levy the full rate imposed by the by-law in order to raise the instalment of the sinking fund and interest required to be raised for any year, or to raise such instalments for any future years of the then unexpired time which the debentures have to run, the council may pass a by-law reducing the rate for such year or for any such future years, so that no more money may be collected than the amount required.

17. Sub-sections 2, 3 and 4 of section 433 of *The Consolidated Municipal Act, 1883*, shall apply to Police Magistrates of counties, districts, villages and parts of counties and districts, as well as to cities and towns.

18. Sub-section 2 of section 482 of *The Consolidated Municipal Act, 1883*, is amended by inserting after the words "Act of the Legislature," occurring therein, the words "or by-law of the corporation."

46 V. c. 18, s.  
482 (9) amend-  
ed.

**19.** Sub-section 9 of section 482 of *The Consolidated Municipal Act, 1883*, is amended by inserting in the fourth line of the said sub-section after the word "Institute" the words "or Free Library established under *The Free Libraries Act, 1882*."

46 V. c. 18, s.  
482 (17) re-  
pealed.

**20.** Sub-section 17 of section 482 of *The Consolidated Municipal Act, 1883*, is repealed, and the following substituted in lieu thereof:—

(17) For regulating the size and number of doors in churches, theatres, halls, or other buildings, used for places of worship, public meetings or places of amusement, and the street gates leading thereto; and also the size and number of doors, halls, stairs and other means of egress from all hospitals, schools, colleges and other buildings of a like nature, and also the structure of stairs and stair-railings in all such buildings; and the strength of walls, beams and joists and their supports, and for compelling the production of the plans of all such buildings for inspection and for enforcing observance of such regulations.

46 V. c. 18, s.  
482 amended.

**21.** Section 482 of *The Consolidated Municipal Act, 1883*, is further amended by adding thereto the following as sub-sections 25 and 26 thereof:

Acquiring  
land for parks,  
etc.

(25) For entering upon, taking and using and acquiring so much real property as may be required for the use of the corporation, for public parks, squares, boulevards, and drives in the municipality and adjoining local municipalities, without the consent of the owners of such real property, making due compensation therefor to the parties entitled thereto, to be determined under the provisions of this Act, by arbitration, where the parties do not agree.

Provisions  
where land ex-  
propriated is  
in an adjoining  
municipality.

(26) In every case in which any municipality shall expropriate lands in an adjoining municipality, the municipality so expropriating such lands shall put the same in an efficient state to be used as, and open the same to the general public, for the purposes of such public parks, squares, boulevards and drives within a reasonable time after such expropriation, and shall maintain and keep the same in an efficient state of repair; and shall provide and maintain such police protection for such public parks, squares and drives as shall be necessary for the safety of the public frequenting and using same and the residents whose lands adjoin the lands so expropriated.

46 V. c. 18, s.  
490 (1) amend-  
ed.

**22.** Sub-section 1 of section 490 of *The Consolidated Municipal Act, 1883*, is amended by adding thereto the following:—

(b) When a polling place has been fixed by by-law for the holding of any election, or the taking of any vote in any city, town or village, and it is afterwards found that the building named as such polling place cannot be obtained, or is unsuitable



able for the purpose, the clerk of the municipality shall have the power to choose in lieu thereof as a polling place the nearest available building suitable for the purpose, and shall post up and keep posted up a notice on the building fixed by the by-law, and in two other conspicuous places near by, directing the voters to the place chosen as aforesaid.

**23.** Sub-section 8 of section 490 of *The Consolidated Municipal Act, 1883*, is amended by adding after the word "Village" in the third line of said sub-section, the words "excepting as hereinafter provided ;" <sup>46 V. c. 18, s. 490, amended.</sup>

And by adding the following sub-sections after sub-section 8 :

(a) Provided, however, that the municipal council of an incorporated village may pass a by-law for accepting or purchasing land for a public cemetery within the territorial limits of the village upon the by-law being first approved of by the Local Board of Health, and ratified by the Provincial Board of Health ; and the by-law shall thereupon be as valid and effectual as if the land was situated without the municipality.

(b) All expenses incurred by the Provincial Board of Health in respect of and incidental to the by-law, and whether the by-law be ratified by the Board or not, shall be paid by the village municipality to the secretary of the Board.

**24.** Sub-section 22 of section 490 of *The Consolidated Municipal Act 1883*, is amended by striking out the figures "\$100" and substituting in lieu thereof the figures "\$500." <sup>46 V. c. 18, s. 490 (22) amended.</sup>

**25.** Section 490 of *The Consolidated Municipal Act, 1883*, is amended by adding thereto the following sub-sections: <sup>46 V. c. 18, s. 490 amended.</sup>

(39) For acquiring and holding, by purchase or otherwise for the public use of the municipality, lands situate outside the limits of such township, city, town or incorporated village; but such lands so acquired shall not form part of the municipality of such township, city, town, or incorporated village, but shall continue and remain as of the municipality where situate ; and all by-laws heretofore passed by township councils for the purpose of acquiring land as provided by this sub-section, are hereby declared as legal and binding where the by-laws shall not be contested or impeached before or at the time of the passing hereof as if the lands were within the limits of the municipality the council of which passed the by-law. <sup>Acquiring land outside of municipal-ity.</sup>

(40) For erecting and maintaining weighing machines in villages or other convenient places, and charging fees for the use thereof, not being contrary to the limitations provided by sub-section 8 of section 497 of this Act. <sup>Erecting and maintaining weighing machines.</sup>

Changing  
names of  
streets.

**26.** Sub-section 36 of section 496 is amended by adding the following :

- (a) Every by-law changing the name of a street in a city or town shall state the reasons for the change, and shall be expressed to be subject to the approval of the County Judge, and the same shall not take effect unless afterwards so approved.
- (b) The Judge, on an application by or on behalf of the municipal council, shall name a day, hour and place for considering the same, and for hearing the advocates of the change, and persons who may deem themselves aggrieved thereby and may desire to be heard, and any other persons the Judge may think fit.
- (c) A copy of the by-law and of the Judge's appointment shall be served on the registrar or deputy registrar of the registry division at least two weeks before the time named, and shall be published once in the *Ontario Gazette* at least two weeks before the time so named, and at least weekly for four weeks in such other newspaper or newspapers as the Judge directs.
- (d) If the Judge approves of the change he shall certify to that effect, and his certificate shall be filed with the by-law in the registry office of the registry division in which the territory lies. The change shall take effect from the date of the registration of the certificate and not before.

46 V. c. 18, s.  
496 (44) re-  
pealed.

**27.** Sub-section 44 of said section 496 of *The Consolidated Municipal Act, 1883*, is hereby repealed.

46 V. c. 18, s.  
496 amended.

**28.** Section 496 of *The Consolidated Municipal Act, 1883*, is amended by adding thereto the following sub-sections—

Regulating  
sale of tobacco.

(51) For licensing and regulating the owners and keepers of stores and shops (other than taverns and shops holding licenses under *The Liquor License Act*) where tobacco, cigars or cigarettes are sold by retail, and for preventing the sale of tobacco, cigars or cigarettes to children under the age of fourteen years, except on the written order of the parent, guardian or employer of the child.

Inspection of  
bathing and  
boat-houses.

(52) For inspecting public bathing houses and boat-houses, or premises wholly or partly used for boat-house purposes, and for preventing the use thereof for illegal or immoral purposes.

46 V. c. 18, s.  
503 (6) amend-  
ed.

**29.** Sub-section 6 of section 503 of *The Consolidated Municipal Act, 1883*, is amended by adding thereto the following proviso :—

“ Provided that this sub-section shall not be qualified as respects shops or stalls occupied by butchers or others for the sale

sale of fresh meat in quantities less than by the quarter carcase within the said municipality by anything contained in sections 497 or 500 of this Act," but this amendment shall not affect pending suits or proceedings.

**30.** Sub-section 1 of section 504 of *The Consolidated Municipal Act, 1883*, is hereby repealed and the following substituted in lieu thereof:—  
46 V. c. 18, s. 504 (1) repealed.

(1) For licensing and regulating suitable persons to keep intelligence offices for registering the names and residences of, and giving information to, or procuring servants, labourers, workmen, clerks or other employees, for employers in want of the same, and for registering the names and residences of and giving information to or procuring employment for domestic servants and other labourers and any other class of servant, workman, clerk or person seeking employment; and for fixing the fees to be charged and recovered by the keepers of such offices.

**31.** Section 521 of *The Consolidated Municipal Act, 1883*, is amended by adding thereto the following as sub-section 13a thereof:—  
46 V. c. 18, s. 521 amended.

(13a.) For regulating the construction of dry earth closets and compelling the use of the same within such limits within the municipality as may be defined by the by-law.

**32.** Section 522 of *The Consolidated Municipal Act, 1883*, is amended by adding the following sub-section thereto:—  
46 V. c. 18, s. 522 amended.

(2) When a river or stream which forms a boundary line between two municipalities becomes obstructed with driftwood or fallen timber, any one of the councils of such municipalities may cause the removal of such driftwood or fallen timber, and may pay the costs of such removal out of the general funds of the municipality.

**33.** Section 531 of *The Consolidated Municipal Act, 1883*, is amended by adding the following sub-section thereto:—  
46 V. c. 18, s. 531, amended.

(4) In case an action is brought against a municipal corporation to recover damages sustained by reason of any obstruction, excavation or opening in a public highway, street or bridge placed, made, left or maintained by any other corporation or by any person other than a servant or agent of the municipal corporation, such last mentioned corporation shall have a remedy over against such other corporation or person for and may enforce payment accordingly of the damages and costs, if any, which the plaintiff in such action may recover against the municipal corporation; provided nevertheless that such municipal corporation shall only be entitled to the said remedy over if such other corporation or person shall be or be made a party to such action and if it shall



shall be established in such action as against such other corporation or person that the damages were sustained by reason of an obstruction, excavation or opening as aforesaid placed, made, left or maintained by such other corporation or person; and the municipal corporation may in such action have such other corporation or person added as a party defendant or third party for the purposes hereof if the same is not already a defendant in the action jointly with the municipal corporation and such other corporation or person may defend any such action as well against the plaintiff's claim as against the claim of the municipal corporation to a remedy over; and the Court or Judge upon the trial of such action may order costs to be paid by or to any of the parties thereto or in respect of any claim set up therein as in other cases.

46 V. c. 18, s. 532, amended. **34.** Section 532 of *The Consolidated Municipal Act, 1883*, is amended by adding after the word "any" in the tenth line thereof, the word "main."

46 V. c. 18, s. 534, amended. **35.** Section 534 of *The Consolidated Municipal Act, 1883*, is amended by adding after the word "any" in the last line thereof the word "main."

49 V. c. 37, ss. 16, 17, repealed. **36.** Sections 16 and 17 of *The Municipal Amendment Act, 1886*, are hereby repealed.

46 V. c. 18, s. 546, repealed. **37.** Section 546 of *The Consolidated Municipal Act, 1883*, is amended by adding thereto the following as sub-section 5 thereof:—

(5) In case the council of a township or an incorporated village, and property owners interested in lands required to be taken possession of, for establishing a public road, mutually agree as to the recompense or price of such lands, the council may accept a deed or deeds for the same, which shall be registered, as provided by section 547 of this Act, and in such case the publication of any by-law in the manner required by sub-section 2 shall be dispensed with.

46 V. c. 18, s. 570 (10), amended. **38.** Sub-section 10 of section 570 of *The Consolidated Municipal Act, 1883*, is amended by adding the following thereto:—"And all notices of appeal shall be served upon the clerk of the municipality at least eight days prior to such Court of Revision;" but the Court of Revision may though such notice be not given permit the appeal to be heard on such conditions as to giving notice to all persons interested and otherwise as may seem just.

46 V. c. 18, s. 586, amended. **39.** Section 586 of *The Consolidated Municipal Act, 1883*, is amended by inserting after the word "improve" in the seventh line the word "extend," and after the word "improvements" in the eleventh and twelfth lines the words "or extension."

**40.** Sub-section 2 of section 587 of *The Consolidated Municipal Act, 1883*, is amended by omitting from the second and third lines of the said sub-section the words "previous to the tenth day of February, 1876." <sup>46 V. c. 18, s. 587 (2) amended.</sup>

**41.** Section 587 of *The Consolidated Municipal Act, 1883*, is amended by adding thereto the following sub-sections:— <sup>46 V. c. 18, s. 587, amended.</sup>

(3) The council may from time to time change such assessment on the report of an engineer or surveyor appointed by them to examine and report on such work and repairs, subject to the like rights of appeal as a person charged would have in the case of an original assessment; and the said council shall appoint a Court of Revision to consider such appeals in the manner heretofore provided.

(4) In any of the cases referred to in this and the preceding sections, any moneys that have been or may hereafter be advanced by the council of any municipality out of its general funds in anticipation of the levies to be made for the purposes of the said sections, shall be recouped to the municipality so soon as the moneys derived from the assessment shall have been made.

**42.** Section 615 of *The Consolidated Municipal Act, 1883*, is hereby repealed. <sup>46 V. c. 18, s. 615 repealed.</sup>

**43.** Section 33 of *The Municipal Amendment Act, 1885*, is amended by inserting after the word "necessary" in the third line of the said section the words "to construct or repair bridges or culverts on any street, lane or alley, or," and by adding thereto the following sub-section:— <sup>46 V. c. 39, s. 33 amended.</sup>

(2) In any case when the council affirms by a two-thirds vote thereof that the constructing, erecting, or making of any bridge, culvert or embankment, benefits the municipality at large, and that it would be inequitable to raise the whole cost of any such improvement or work by local special assessments, the council may pass a by-law for borrowing money by the issue of debentures upon the credit of the municipality at large to provide as the corporation's share of the cost of such improvement or work an amount not exceeding one-half of the whole cost thereof; and no such by-law shall require the assent of the electors before the final passing thereof.

**44.** Sub-section 2 of section 618 of *The Consolidated Municipal Act, 1883*, is amended by striking out the words "the owner's address," occurring in the ninth line of the said sub-section, and inserting in lieu thereof the words "the address of the person entitled to notice." <sup>46 V. c. 18, s. 618 (2) amended.</sup>

**45.** Section 624 of *The Consolidated Municipal Act, 1883*, is amended by inserting after the words "frontage thereof" in <sup>46 V. c. 18, s. 624, amended.</sup> the

the eighth line thereof, the words "or according to the assessed value thereof, when only such latter system of assessment shall have been adopted by a three-fourths vote of the full Council.

46 V. c. 18, s. 624, amended. **46.** Section 624 of *The Consolidated Municipal Act, 1883*, is amended by adding thereto the following sub-section:

(4) The council may also by by-law define certain areas or sections within the municipality in which all snow, ice and dirt and other obstructions shall be removed from the sidewalks, streets, lanes or alleys, in such area or sections, and may impose a special rate upon the real property therein, according to the frontage thereof, in order to pay any expenses incurred in removing such snow, ice, dirt, or other obstruction.

48 V. c. 39, s. 26 (2), amended. **47.** Sub-section 2 of section 26 of *The Municipal Amendment Act, 1885*, is amended by inserting after the word "deepening" in the first line the word "extending," and by adding the following to said sub-section: "provided the cost of such extension does not exceed the sum of \$200, and in every case when it exceeds that amount, proceedings shall be taken under the provisions of section 586."

Powers of townships as to local improvements.

**48.** In addition to the powers given to the council of every township by *The Consolidated Municipal Act, 1883*, and amendments thereto, the council of every township shall have all the rights and powers conferred on the councils of cities, towns and incorporated villages, by sections 612 to 624, inclusive, of the said Act as heretofore, or hereby amended, respectively, as well as those conferred by sections 32 to 36, inclusive, of *The Municipal Amendment Act, 1885*, and by sections 37 to 40 inclusive of *The Municipal Amendment Act, 1886*, and by *The Municipal Waterworks Act, 1882*.

Cost of sewers. **49.** In ascertaining and determining the cost of draining any locality or making and laying or prolonging any common sewer, the council of any city, town, or incorporated village, may estimate the cost of the construction of branch drains to the line of street, and include the cost of such branch drains in making the assessment for such drains or common sewers, as a local improvement pursuant to section 612 of *The Consolidated Municipal Act, 1883*, and amendments thereto.

Boundaries of marsh lands.

**50.** The council of every township municipality may by by-law declare that in the case of any lands, the boundary line, or any part of the boundary line whereof passes through a marsh or swamp, or any land covered with water, the same shall, so far as respects that part of such boundary line which so passes through a marsh or swamp, or land covered with water, be deemed to be wholly enclosed within the meaning of section 1 of *The Act respecting Petty Trespassers*, if posts are put



put up and maintained along such part of such line at distances which will permit of each being clearly visible from the adjoining post.

**51.** In case a petition, signed by two hundred qualified electors in incorporated towns, or by one hundred qualified electors in incorporated villages or in rural municipalities, is presented to the council of such town, incorporated village or rural municipality, asking for the construction of water-works under the powers conferred on municipal corporations by *The Municipal Water-works Act, 1882* :

Petition for construction of water works.

1. It shall be the duty of such council to submit a by-law for the construction of such water-works, to the vote of the ratepayers of the said town, incorporated village or municipality, and such council shall, forthwith, prepare a by-law directing the submission of the question, in accordance with the prayer of the petitioners, or in such form as may be approved by the vote of two thirds of the members of such council, and shall submit the same to the electors for approval, or otherwise, within six weeks after the receipt of the petition by the council ;

2. The council before submitting such by-law, may require the petitioners to deposit with the treasurer of the municipality an amount sufficient to cover the probable cost of submitting the by-law to the electors, but not exceeding the sum of \$150 ;

3. In the event of the by-law receiving the sanction and consent of a majority of the electors of such corporation, then the money so deposited, shall be, forthwith, refunded to the petitioners ;

4. Should the by-law be rejected by a majority of the electors of such corporation, then the money so deposited, shall be forfeited to such corporation, or so much thereof, as may be necessary to cover the costs of submitting the said by-law ;

5. The power of municipal councils shall not be deemed to be abridged by this Act, except as expressly stated herein ;

6. The proceedings in taking such vote and the persons having a right to vote, shall be the same as nearly as may be, as are required by *The Consolidated Municipal Act, 1883*, in case of by-laws creating debts.

**52.** If the by-law be approved of by the majority of such electors, it shall be the duty of such council to pass the said by-law, and forthwith to proceed with the construction of such works, provided always that the council may for any good cause, if deemed expedient by a vote of two thirds of its members, hold the works in abeyance until after the next general municipal election.

If by-law approved council to construct works.

**53.** All provisions of *The Municipal Act* or Acts, in so far as

Provisions as respecting

elections to apply to preceding two sections.

as they apply to elections, and to the prevention of corrupt practices at elections shall apply to the preceding two sections, except so far as such Act or Acts would be inconsistent therewith.

Removal of obstructions in rivers.

**54.** To remove doubts it is hereby declared and enacted that where the obstruction referred to in section 570 of *The Consolidated Municipal Act, 1883*, and in section 22 of *The Municipal Amendment Act, 1886*, is occasioned by, or is a dam or other artificial structure, and is situate wholly within the municipality, the council shall be deemed to have full power to acquire, with the consent of the owner thereof, and upon payment of such purchase money as may be mutually agreed upon, the right to remove the same, wholly or in part; and any amount so paid or payable as purchase money, shall be deemed part of the cost of the works under this section in connection with the removal of such obstruction, and shall be dealt with and provided for accordingly, and where the lands benefited are situated, partly in the said municipality and partly in the next adjoining municipality, the special rate sufficient for the payment of the principal and interest of the debentures and the assessment and levying of the same shall be made, levied, and paid over by the said municipality, and the said next adjoining municipality, in such proportions as the said engineer or surveyor may determine and charge upon the lands aforesaid, and in like manner and to the same extent, as nearly as may be, as is provided for by said Act where the lands benefited are situate wholly within the municipality.

R. S. O. c. 175, s. 17, amended.

**55.** Section 17 of chapter 175 of the Revised Statutes is hereby amended by adding thereto the following: "The clerk shall within six days after his appointment, transmit to the Provincial Treasurer notice of the formation of the municipality with a description of its boundaries or limits."

## CHAPTER 30.

### An Act respecting Municipal Institutions in the District of Rainy River.

[Assented to 23rd April, 1887.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O. c. 175, (47 V. c. 33, s. 1) amended.

**1.** Section 1 of chapter 175 of the Revised Statutes of Ontario, as amended by section 1 of chapter 33, passed in the forty-seventh year of the reign of Her Majesty, is hereby amended by adding the following sub-section:— (2)

(2) Provided always that any number of townships in the District of Rainy River, having in the aggregate at least 100 inhabitants, may organize themselves into a Union Township Municipality, although the population of any one of the said townships may not amount to one hundred persons, and the proceedings for the purposes of such organization, and all other purposes mentioned in this Act, shall, as nearly as may be practicable, be the same as are hereinafter provided for in respect of the organization of an individual township municipality, and all rights, privileges, and powers conferred upon or granted to individual municipalities organized thereunder shall extend and be applicable to such union township municipality, provided that any township forming part of such union municipality having at any time after the formation thereof a population of not less than one hundred persons may withdraw from such union, and the inhabitants thereof may organize themselves into an individual township municipality in the same manner and for all purposes under this Act, as if such township had not formed part of a union township municipality, and on such withdrawal the assets and liabilities of such township shall be determined, borne and paid in like manner as is directed by the provisions of *The Consolidated Municipal Act, 1883*, in regard to the withdrawal or separation of municipalities.

Union township municipalities may be organized.

2.—(1) All municipal taxes except for debenture debt levied in any township of the said municipality shall, excepting ten per centum thereof, and the costs of collection, be expended within the township in which the same are levied, on roads, bridges, and other works of the same kind, necessary for opening up and settling the said township.

Expenditure of taxes provided for.

(2) The council of the said municipality shall be at liberty to retain and appropriate for the general and other expenses of said municipality the reservation of ten per centum and the expense of collection.

Ten per cent. to be for general expenses.

## CHAPTER 31.

### An Act to amend the Public Parks Act.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Notwithstanding anything contained in sub-section 2 of section 13 of *The Public Parks Act, 1883*, the corporation of any city having a population of one hundred thousand inhabitants and over, may take and hold lands for park purposes to the extent of two thousand acres.

Amount of lands which may be held by cities.

CHAPTER



## CHAPTER 32.

## An Act to Amend the Assessment Act.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

R. S. O. c. 180,  
s. 6, amended.

1. Section 6 of *The Assessment Act* is amended by adding thereto the following sub-section:—

(22a) The annual income of any person derived from his personal earnings, provided the same does not exceed \$700.

Place of assess-  
ment of sala-  
ries of Govern-  
ment and  
municipal  
officers.

2. Section 33 of the said Act shall not apply to Government officers or officers of minor municipalities when the location of the office is fixed by law or regulation of the Government or municipality, but in such cases the salary, gratuity or other compensation, shall be assessed against the incumbent of the office in the municipality wherein he resides.

R. S. O. c. 180,  
s. 45, amended.

3. Section 45 of the said Act as amended by section 8 of the Act passed in the 49th year of Her Majesty's reign intituled *An Act to further amend the Assessment Act*, is hereby amended by inserting the word "townships" after the word "towns," in the first line thereof.

Copy of assess-  
ment roll duly  
certified to be  
evidence.

4. The said Act is further amended by adding the following section thereto:—

(57a) A copy of any assessment roll, or portion of any assessment roll, written or printed, without any erasure or interlineation, and under the seal of the corporation, and certified to be a true copy by the clerk of the municipality, shall be received as *prima facie* evidence in any Court of justice without proof of the seal or signature, or the production of the original assessment roll, of which such certified copy purports to be a copy, or a part thereof.

R. S. O. c. 180,  
s. 59 (3) re-  
pealed.

5. Sub-section 3 of section 59 of the said Act is repealed and the following substituted therefor:—

(3) The clerk shall, immediately after the time limited for filing said appeals, forward a list of the same to the Judge, who shall then notify the clerk of the day he appoints for the hearing thereof.

6. The said Act is further amended by adding thereto the following:—

If resident  
owner, etc.,  
makes default

(87a) Where a resident owner, tenant or occupant who has been entered upon the assessment roll, after notice or demand, makes

makes default in performing his statute labour or in payment of commutation for the same, the overseer of the highways in whose division he is placed, shall return him as a defaulter to the clerk of the municipality before the fifteenth day of August, and the clerk shall in that case enter the commutation for statute labour against his name in the collector's roll, and the same shall be collected by the collector.

commutation for statute labour to be entered upon collector's roll.

(b) In every such case the clerk shall notify the overseer of highways, that may be appointed for such division in the following year, of the amount of such commutation, and the overseer shall expend the amount of such commutation upon the roads in the statute labour division where the property is situate, and shall give an order upon the treasurer of the municipality to the person performing the work.

Overseer to expend the commutation money.

7. Section 137 of the said Act is amended by adding the following sub-section thereto:—

R. S. O. c. 180, s. 137, amended.

(3) If the council of the local municipality, in which the same shall be situate, desire to become the purchasers of any lot to which sub-section 2 refers for the amount of the arrears of taxes thereon, it shall be lawful for such municipality to purchase the same if the price offered at such adjourned sale shall be less than the amount of such arrears, and if the council of the local municipality shall before the day of such adjourned sale have given notice in writing of the intention so to do, and it shall be the duty of the council of such local municipality to sell any lands which shall be so acquired within three years from the time when they shall be acquired.

Purchase by municipalities of land sold for taxes.

8. This Act shall be read with and as part of *The Assessment Act*.

Act to be read with R. S. O. c. 180.

## CHAPTER 33.

An Act better to provide for the Enforcement of the Temperance Laws.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In order to remove doubts it is hereby declared that the share of the expenses of any license district to be paid by any county council, and heretofore estimated by the Boards of Commissioners, and which have been approved by the Provincial Treasurer or Secretary, after deducting any sum

Provision for payment by municipalities of expenses of license district in which C. T. Act is in force,

payable by any city or separated town, as hereinafter provided, shall be due and payable by the county council, notwithstanding the use of the words "whereby a by-law prohibiting the sale of intoxicating liquors is in force" under *The Canada Temperance Act, 1878*, or words of similar purport or meaning in any section of *The Liquor License Act*, or any Act amending the same, are made to apply to the said *Canada Temperance Act, 1878*, and as fully as though the same had read in lieu thereof in each and every case "where the second part of *The Canada Temperance Act, 1878*, is in force," and it shall not be necessary to make or approve another estimate or serve a new copy or duplicate or demand, and the appointment of commissioners and inspectors by the Lieutenant-Governor or the Lieutenant-Governor in Council heretofore made in or for any county or district in which the said second part of *The Canada Temperance Act, 1878*, was at the time in force, shall be as valid and effectual as though the statutes in this section mentioned or referred to had read as herein is provided.

License districts in places where the C. T. Act is in force.

2. And it is further declared that the Lieutenant-Governor in Council shall have the same power and authority to create license districts when and where the second part of *The Canada Temperance Act, 1878*, is in force, as under *The Liquor License Act* and amendments thereto, and where license districts are not or have not heretofore been created or provided by the Lieutenant-Governor in Council after the coming into force in any county or city of the second part of the said *Canada Temperance Act, 1878*, the license districts have been since the Act passed in the forty-fourth year of Her Majesty's reign, chapter 27, and are and shall be the same as under *The Liquor License Act* and amendments thereto, immediately prior to the coming into force of the said second part of *The Canada Temperance Act, 1878*, unless, or where the same have been, or shall be altered or changed by order in Council or otherwise, and then as they have been so altered or changed, and until further order in that behalf.

41 V. c. 14, s. 6 and 44 V. c. 27, s. 11, amended.

3. Section 6 of the Act passed in the forty-first year of Her Majesty's reign, chapter 14, as amended by section 11 of the Act passed in the forty-fourth year of Her Majesty's reign, chapter 27, is amended by adding the following sub-section thereto:—

(5) In cities which are separate license districts in which the second part of *The Canada Temperance Act, 1878*, is in force the expenses of enforcing or carrying into effect the provisions of the said Act shall be borne in the same proportion by the city and the Province respectively as in the case of counties in which the said second part of said Act is in force and the proportion of the city shall be estimated and ascertained, and become due and payable, and payment may be enforced against the city in the same manner or under like



like circumstances as are provided in the case of county municipalities and all of the provisions of the said *Liquor License Act* and the amendments thereto having reference to the said expenses and the mode of ascertaining, fixing and collecting the same, which are applicable to counties in which the said second part of *The Canada Temperance Act, 1878*, is in force shall also apply to cities in which the same is in force.

4. Where a city in which the second part of *The Canada Temperance Act, 1878*, is in force and which is not a separate license district but forms part of a license district in which the said second part of *The Canada Temperance Act, 1878*, is also in force as to the whole or part of the said license district, and where a town is separated from the county and forms part of a district in which the said second part of *The Canada Temperance Act, 1878*, is in force, as to the whole or part thereof, the council of said city and of said town, respectively, shall pay a just share of the expenses of the license district of which it forms a part and such share shall be separately estimated and determined by the Board of License Commissioners, and shall, after approval by the Treasurer or Secretary of the Province, be paid into the license fund of the license district of which said city or town forms part; and in determining such share of expenses the Commissioners shall take into account with other circumstances as far as may be the proportion of the expenses of the district incurred in said city or town.

Share of expenses of license district to be paid by city or town in district in which C. T. Act is in force.

5. The said cities and separated towns in the next two preceding sections mentioned, shall be liable to pay their said proportions of expenses for the license year 1886-87, and the commissioners for the present year may make an estimate of the share or proportion of the expenses which should be paid by any such city or separated town, and after the approval thereof by the Provincial Treasurer or Secretary (which approval shall be final and conclusive), and the service of a copy or duplicate of such estimate and approval together with a notice in writing by the Board of Commissioners requiring payment of the estimated proportion payable by such city or town upon the clerk thereof, the said sum so estimated and approved shall within one month after such service become due and payable by the said city or town, and it shall be the duty of the council thereof to pay or cause to be paid into the license fund of the district of which the same forms a part the amount so estimated and demanded.

Payment of expenses by cities and towns for the year 1886.

6. Section 6 of the Act passed in the forty-eighth year of Her Majesty's reign, chapter 43, is hereby repealed, and section 8 of the Act passed in the forty-first year of Her Majesty's reign, chapter 14, as amended by section 12 of the Act passed in the forty-fourth year of Her Majesty's reign, chapter 27, is amended by inserting the words, "or general sessions" in the first

48 V. c. 43, s. 6 repealed.  
41 V. c. 14, s. 8, and 44 V. c. 27, s. 12 amended.

first line of section 8, immediately after the word "judge" in the said first line.

Statement of receipts and expenses.

7. Where the second part of said *Temperance Act* is in force and when the council has been called upon to pay a proportion of the expenses of its enforcement, the Inspector shall, at the close of each year, send to the council a statement in detail of the receipts and expenses of the year.

"License district," meaning of.

8. The words "license district" in this Act, when applicable, shall extend to and include the words "electoral division," as used in *The Liquor License Act* and amendments thereto.

"Canada Temperance Act, 1878," meaning of.

9. The words *The Canada Temperance Act, 1878*, in this Act shall, where applicable, extend to and include *The Canada Temperance Act*, chapter 106, of the Revised Statutes of Canada, 1886.

Act to be read with R. S. O. c. 181.

10. This Act shall be read with and as part of *The Liquor License Act*.

## CHAPTER 34.

An Act to amend the Act respecting the Public Health.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Re school protection against infectious diseases.

1. Whenever a case of smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, glanders, or other contagious disease, exists in any house or household belonging to which are persons attending school, the householder shall, within eighteen hours of the time such disease is known to exist, notify the head teacher of such school or schools, and also the secretary of the Local Board of Health, of the existence of such disease; and no member of such household shall attend school until a certificate has been obtained from the Medical Health Officer, or, legally qualified medical practitioner that infection no longer exists in the house, and that the sick person, house, clothing and other effects have been disinfected to his satisfaction; and until such certificate shall have been obtained, it shall be the duty of every member of the household, and of the teacher, to use all reasonable efforts to prevent the association of members of the said household with other children.

(2) Whenever the Local Board of Health, or any of its officers or members knows of the existence in any house of smallpox, cholera, scarlatina, diphtheria, whooping cough, measles, mumps, glanders, or other contagious disease, they shall at once notify the head or other master of the school or schools at which any member of the household is in attendance; and should it not be evident that said member has not been exposed to said diseases, or any of them, the teacher must forthwith prevent such further attendance until the several members present a certificate stating, that infection no longer exists, as provided in the preceding sub-section.

(3) Whenever a teacher in any school has reason to suspect that any pupil has, or that there exists in the home of any pupil any of the above mentioned diseases, he shall be required to notify the Medical Health Officer or, where none such exists, the Local Board of Health on forms supplied by the school authorities, in order that evidence may be had of the truthfulness of the report; and he shall further be required to prevent the attendance of said pupil or pupils until medical evidence of the falsity of the report has been obtained.

2. The Local Board of Health of any municipality or district in which supplies of ice are obtained, sold and stored, shall have power to adopt such regulations regarding the source of supply, and the place of storage of the same, as shall in their opinion be the best adapted to secure the purity of the ice, and prevent injury to the public health. The powers and duties of all Local Boards in this respect shall extend to the supervision of ice-supplies, whether obtained within or outside the municipality, whenever the ice cut is intended for use within the municipality in which the Board has jurisdiction. Regulation of ice supplies.

3. In all cases where any person deems himself injuriously affected, through the refusal or neglect of any person to carry out the directions of the Sanitary Inspector or the Local Board of Health under sections 5, 6 or 7 of schedule A of *The Public Health Act, 1884*, it shall be lawful for him to lay information before a justice of the peace or police magistrate when, after evidence has been given of the violation of any of these sections, the offender or offenders shall be made liable to the penalties imposed under section 18 of said schedule. Remedy for tenant when Board neglects action.

4. All butchers selling within the limits of any municipality shall, on the request of the health authorities, make affidavit as to the place or places at which the slaughter of their meat is carried on, and where this is outside of the limits of the municipality such slaughter-houses shall be open to inspection by the inspector or Medical Health Officer of the municipality where the meat is offered for sale. In case of refusal to make such affidavit and permit said inspection, said butchers shall Inspection of slaughter houses outside the municipality.



shall be subject to the penalties prescribed under section 65 of *The Public Health Act of 1884* should the sale of meat be continued by them after notification to discontinue has been given by the Medical Health Officer.

Inspection of  
dairies and  
slaughter-  
houses.

5. The Medical Health Officer under the direction of the Local Board of Health shall have authority to make or cause to be made by a veterinary surgeon, or such other competent person, as the circumstances may require, a periodic inspection of all dairies, cheese factories and creameries, dairy farms, and slaughter-houses, which come within his or their jurisdiction.

45 V. c. 29, s.  
3 amended.

6. Section 3 of the Act passed in the forty-fifth year of Her Majesty's reign, chapter 29, is amended by inserting after the word "disease," in the fourteenth line, the following:—"They shall enquire into the measures which are being taken by Local Boards for the limitation of any existing dangerous, contagious or infectious disease, through powers conferred upon said Local Boards by any Public Health Act, and should it appear that no efficient measures are being taken and that the said powers are not being enforced, it shall be competent for the Provincial Board, in the interests of the public health, to require the Local Board to exercise and enforce any of the said powers which, in the opinion of the Provincial Board, the urgency of the case demands; and in any such case where the Local Board, after request by the Provincial Board, neglect or refuse to exercise their powers, the Provincial Board may, with the approval of the Minister of the Department under which the Board is for the time being acting, exercise and enforce at the expense of the municipality any of the powers of Local Boards which under the circumstances they may consider necessary."

45 V. c. 29, s.  
2, repealed.

7. Section 2 of the said Act is hereby repealed and the following substituted in lieu thereof:—

Salaries and  
allowance of  
Chairman and  
Members of  
the Board.

2. The Chairman of the Board shall be appointed by the Lieutenant-Governor in Council, and shall be paid an annual salary not exceeding the sum of \$400 per annum; other members of the Board, except the Secretary, shall be paid such per diem allowance while attending meetings of the Board, or any committee thereof, as may be voted by the Legislature and approved by the Lieutenant-Governor in Council, together with actual travelling and other necessary expenses while employed on the business of the Board.

45 V. c. 29, s.  
7, amended.

8. Section 7 of the said Act is hereby amended by striking out the words "one thousand," in the fourth line thereof, and inserting instead "seventeen hundred and fifty."

45 V. c. 29, s.  
9, repealed.

9. Section 9 of the said Act is hereby repealed and the following substituted:—

9. It shall be the duty of the Provincial Board of Health to see that a supply of proper vaccine matter is obtainable at all times at such vaccine farms and other places as are subject to inspection by the Board. Supply of vaccine matter.

10. Sub-section 9 of section 3 of *The Public Health Act, 1884*, 47 V. c. 38, s. 3 (48 V. c. 45, s. 12) added thereto by section 12 of *The Public Health Act, 1885*, s. 12 is hereby amended by inserting after the word "of," in the first line, the words "houses, schools, churches," and after the word "stations," in the same line, the words "and other buildings."

11. Sub-section 12 of section 3 of the said Act is hereby amended by inserting after the word "removal," the words "or keeping under surveillance." 47 V. c. 38, s. 3 (48 V. c. 45, s. 12) amended.

12. The second sub-section of section 32 of the said Act is amended by striking out the words "report the facts to the municipal council "or councils, and such council or councils may," in the sixth and seventh lines thereof. 47 V. c. 38, s. 32, amended.

## CHAPTER 35.

### An Act to amend the Ontario Factories' Act, 1884.

*[Assented to 23rd April, 1887.]*

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

1. Sub-section 2 of section 2 of *The Ontario Factories, Act, 1884*, 47 V. c. 39, s. 2 (2) is hereby repealed and the following sub-section substituted in lieu thereof:

(2) The word "Inspector" shall mean the Inspector appointed by order of the Lieutenant-Governor in Council under the authority of and for enforcing the provisions of this Act in and for the locality in reference to which such expression applies, and which locality shall be that designated in the order. Meaning of "inspector."

2. Section 6 of the said Act is amended by adding thereto the following as sub-section 6 thereof: 47 V. c. 39, s. 6 amended.

(6) Notwithstanding anything in this Act contained, boys under twelve years of age, and girls under fourteen years of age may be employed during the months of July, August and September in any year in such gathering in and other preparation Employment of children in gathering and preparing fruits and

vegetables  
for canning  
purposes.

ation of fruits or vegetables for canning purposes as may be required to be done prior to the operation of cooking or other process of that nature requisite in connection with the canning of fruits or vegetables. The place, room or apartment in which such boys or girls may be so employed, shall be separate from any other wherein the cooking or other process aforesaid, or the canning of said fruits or vegetables is carried on.

47 V. c. 39, s.  
24 amended.

**3.** Section 24 of the said Act is amended by adding thereto the following as sub-section 3 thereof :

(3) Designate and assign in the order appointing any Inspector, the locality in and for which he is to be the Inspector under this Act.

## CHAPTER 36.

### An Act for the protection of Infant Children.

[Assented to 23rd April, 1887.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Restrictions  
as to receiving  
infants to be  
nursed for  
hire.

**1.** From and after the commencement of this Act, it shall not be lawful for any person to retain or receive for hire or reward more than one infant, and in case of twins more than two infants, under the age of one year, for the purpose of nursing or maintaining such infants apart from their parents for a longer period than twenty-four hours, except in a house which has been registered as herein provided.

Registration  
of houses for  
reception of  
infants.

**2.** The municipal council of every local municipality shall keep a register of the names of persons applying to register for the purposes of this Act, and therein shall cause to be registered the name and house of every person so applying, and the situation of the house; and the council shall from time to time make by-laws for fixing the number of infants who may be received into any and every house so registered. The registration shall remain in force for one year. No fee shall be charged for registration. Every person who receives or retains any infant in contravention to the provisions of this Act, shall be guilty of an offence against this Act.

Authority to  
refuse regis-  
tration.

**3.** The municipal council may refuse to register any house unless satisfied that the house is suitable for the purposes for which it is to be registered, and unless satisfied by the production of the certificates that the person applying to be registered is of good character, and able to maintain such infants.



4. The person registered as aforesaid, shall immediately enter in a register to be kept by him the name, sex, and age of every infant under his care, and the date at which, and the names and addresses of the persons from whom, they were received, and shall also enter in the said register the time when, and the names and addresses of the person by whom, every such infant received and retained as aforesaid shall be removed, immediately after the removal of the infant, and shall produce the register when required to do so by the municipal council; and in the event of his refusing so to produce the register, or neglecting to enter in a register the name, sex, and age of every infant, and the date at which and the names and addresses of the persons from whom they were received, and by whom they were removed respectively, shall be liable to a penalty not exceeding \$20.

Register of children.

5. The person registered shall be entitled to receive gratuitously from the municipal council, a book of forms for the registration of infants. This register may be in the form contained in the schedule to this Act. The book shall contain a printed copy of this Act.

Forms of registration to be supplied.

6. If any person shall make false representations with a view to being registered under this Act, or shall forge any certificate for the purpose of this Act, or make use of any forged certificate knowing it to be forged, or shall falsify any register kept in pursuance of this Act, he shall be guilty of an offence against this Act.

Offences.

7. If it shall be shewn to the satisfaction of the municipal council that a person whose house has been so registered as aforesaid has been guilty of serious neglect, or is incapable of providing the infants intrusted to his care with proper food and attention, or that the house specified in the register has become unfit for the reception of infants, it shall be lawful for the municipal council to strike his name and house off the register.

Removal from register.

8. The person registered as aforesaid, shall within twenty-four hours after the death of every infant so retained or received, cause notice thereof to be given to the coroner for the district within which the infant died, and the coroner shall hold an inquest on the body of the infant unless a certificate under the hand of a registered medical practitioner is produced to him by the person so registered certifying that such registered medical practitioner has personally attended or examined the infant, and specifying the cause of its death, and the coroner is satisfied by certificate that there is no ground for holding an inquest. If the person so registered neglects to give notice as aforesaid, he shall be guilty of an offence against this Act.

Notice of death of infant.

Inspection.

**9.** It shall be the duty of the municipal council to provide for the visiting and inspecting, from time to time, of every house registered under this Act; and the persons or person appointed to inspect shall be entitled to enter the house at any time and to examine every part thereof; and to call for and examine the register which is required to be kept by the person registering the house; and to enquire into all matters concerning the house and the inmates thereof; and it shall be the duty of the person registered to give all reasonable information to persons making the inspection, and to afford them every reasonable facility for viewing and inspecting the premises, and seeing the inmates thereof.

Penalties.

**10.** Every person guilty of an offence against this Act shall, on conviction thereof, forfeit and pay a penalty not exceeding \$20 and costs, and in default of payment thereof, he shall be imprisoned in the common gaol of the county in which the offence was committed for a period of not less than six calendar months, and to be kept at hard labour, in the discretion of the police magistrate or other convicting justices, and shall, in addition, be liable to have his name and house struck off the register.

Expenses of enforcing Act.

**11.** All expenses incurred in and about the execution of this Act and the trial of offenders thereunder, shall be borne by the municipality in which the registered house is situated.

Trial of offences.

**12.** Every offence against this Act shall be tried summarily before a police magistrate or any two justices of the peace having jurisdiction in the municipality in which the offence takes place, and all the provisions and powers as to summary trials contained in *The Act respecting Summary Proceedings before Justices of the Peace*, shall be applicable to prosecutions and trials under this Act, and to the judicial and other officers before whom the same are hereby authorized to be brought, in the same manner, and to the same extent, as if such provisions and powers were incorporated in this Act.

R. S. C. 1886, c. 178.

Application of Act.

**13.** The provisions of this Act shall not extend to the relatives or guardians of any infant retained or received as aforesaid, nor to benevolent and charitable institutions established for the protection or care of infants, and receiving aid from the Province or authorized by the Lieutenant-Governor to exercise the powers conferred by *The Act respecting Apprentices and Minors*.

Commencement of Act.

**14.** This Act shall commence on the first day of May next after the passing thereof.

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*Schedule referred to in the foregoing Act.*

## REGISTER OF INFANTS.

Date at which received.	Name.	Sex.	Age.	Name and address of person from whom received.	Date at which removed.	Name and address of person by whom removed.

## CHAPTER 37.

## An Act to amend the Ditches and Watercourses Act, 1883.

[Assented to 23rd April, 1887.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3 of *The Ditches and Watercourses Act, 1883*, as 46 V. c. 27, s. amended by section 1 of the Acts passed in the 47th year of Her Majesty's reign chaptered 43 and intituled *An Act to amend the Act respecting Ditches and Watercourses*, is hereby further amended by adding thereto the following sub-sections:

(3) Such consent shall be in writing, and signed by the party consenting and shall be filed with the clerk of the municipality, with the award and may be recited or referred to therein. Consent as to flooding land to be in writing.

(4) If after a ditch or drain has been constructed under the provisions of this Act, and in case any owner whose duty it is to maintain, and keep in repair any portion of such ditch or drain neglects to keep such portion in a proper state of repair any one of the owners who is liable for maintaining and keeping in repair any portion of such ditch or drain may in writing notify the owner who neglects to keep his portion of such ditch or drain in a proper state of repair, to have the same put in such repair, and to have the same completed within thirty days from the receipt of such notice. Notice to owner to repair.

(5) The owner who serves such notice may, if the work has not been performed at the expiry of the thirty days, make application to the council of the municipality to have said repairs carried out and completed. Application to municipality on owner's default.

(6)



Inspection by  
engineer.

(6) The council shall when such application is made, order an examination of the portion of such ditch or drain as is complained of, to be made by the engineer of the municipality or by some other person to be appointed by the council, and who may be called the "Inspector of drains and ditches." The inspection shall be made not later than twelve days from the time of the ordering the same, and the engineer or inspector, as the case may be, shall within twelve days after making such inspection, file with the clerk of the municipality a certificate, stating whether the complaint is well founded or not, and wherein the ditch or drain requires repairing.

Report of in-  
spector that  
complaint  
well founded.

(7) If the engineer or inspector (as the case may be) certifies that the complaint is well founded, then in such case the council shall order him to proceed and let the work as provided in section 13, for re-letting work, unless the owner has himself in the meantime completed such repairs in accordance with the report or certificate of the engineer or inspector. The provisions of sections 14 and 15, shall apply as to inspection and payment of engineer's or inspector's fees and costs of work, and the council may by by-law fix the remuneration of the inspector during the time he may be engaged in the performance of any duties under this Act. A member of the council shall not be appointed inspector.

Report of in-  
spector that  
claim not well  
founded.

(8) If the engineer or inspector decides that the complaint is not well founded, then in such case the party making such complaint shall pay the fees of the engineer or inspector, as the case may be, and if not paid by him it shall be paid and charged as provided in section 15.

Appeal.

(9) Any owner or party interested under proceedings taken under or by virtue of the preceding six sub-sections, shall have the right of appeal as provided by this Act, where the amount involved exceeds the sum of \$20.

46 V. c. 27, s.  
5, amended.

**2.** Section 5 of the said Act is hereby amended by substituting the word "twelve" for the word "six," in the tenth line thereof.

46 V. c. 27 s.  
6, amended.

**3.** Section 6 of the said Act is hereby amended by striking out the word "shall," in the eighth line, and inserting in lieu thereof the words "be asked to appoint a day in which he will," and by inserting after the word "six," in the ninth line, the words "nor more than twelve," and by adding thereto the following proviso:

"Provided, nevertheless, that when it shall be necessary in order to obtain an outlet, that the drain or ditch shall pass through or partly through the lands of more than five owners (the owner mentioned in the first and second lines of this section being one) the requisition shall not be filed, unless:

- (a) Such owner shall first obtain the assent, in writing, thereto of (including himself) a majority of the owners affected or interested; or,
- (b)

- (b) Unless a resolution of the council of the municipality, in which the greater portion of the work is to be done, approving of the scheme or proposed work, shall be first passed after those interested have been heard or have had an opportunity to be heard by the Council upon notice to that end."
- (c) When the engineer shall under section 8 of the said Act require other parties whom he deems interested to be notified he shall not assess or bring in without his or their assent more than one additional interested person when the majority of those so notified and interested are opposed to being so brought in or assessed;
- (d) Unless the assent (by resolution) of the said municipal council approving of the proposed extension to the lands of other interested parties shall be first passed after a hearing or notice as hereinbefore provided.

4. Section 8 of the said Act is hereby amended by striking <sup>46 V. c. 27, s. 8, amended.</sup> out, in the tenth and eleventh lines, the words "from the receipt of the requisition by him," and inserting in lieu thereof the words "after the day of meeting named in the requisition."

5. Section 8 of the said Act is further amended by adding <sup>46 V. c. 27, s. 8, amended.</sup> the following sub-section thereto :—

(2) In no case shall the engineer include or assess the lands lying more than fifty rods above the point of commencement of the ditch or drain upon the lands mentioned in the notice (Form B) provided for by section 5 of said Act, nor the lands on either side of the ditch or drain which lie more than fifty rods from the drain, and only so much within such fifty rods as having due regard to the nature of the locality and of the soil and the lay of the land and its distance back from the ditch or drain as will be benefited by the ditch or drain, and then only according to and in proportion to the benefit which it will receive by such construction.

6. Section 9 of the said Act is amended by adding thereto <sup>46 V. c. 27, s. 9, amended.</sup> the following sub-section :—

(2) If it appears to the engineer that rock-cutting is required to be done, the engineer may get the rock cut or blasted by giving the contract out to public competition by tender or otherwise, instead of requiring each person benefited to do his share of the work. The engineer shall, by his award, determine the sum which shall be paid by each of the persons benefited, which sum, unless forthwith paid, shall be added to the collector's roll, together with seven per cent. added thereto, and the same shall thereupon become a charge against the land of the parties so liable, and shall be collected in the same manner as any other municipal taxes. <sup>Rock cutting may be let to contractor.</sup> 7.

Payment to  
contractor.

7. It shall be the duty of the municipality, through the treasurer thereof, to pay the contractor for the work as soon as done to the satisfaction and upon the certificate of the engineer, pending the subsequent collection thereof as aforesaid.

46 V. c. 27, s.  
10, amended.

8. Section 10 of the said Act is amended by striking out the words, in the first and second lines, "when such award is made file the same," and substituting the following in lieu thereof: "within thirty days from the day appointed by him, as named in section 8 of this Act, make and file his award."

46 V. c. 27, s.  
15, amended.

9. Section 15 of the said Act as amended by section 2 of the Acts passed in the 47th year of Her Majesty's reign, chaptered 43, and intituled *An Act to amend the Act respecting Ditches and Watercourses*, is hereby further amended by substituting the word "seven" for the word "ten" in the twelfth line thereof.

Power as to  
covering  
drains.

10.—(1) In any case where an open ditch or drain has been, or may be constructed under the provisions of *The Ditches and Watercourses Act, 1883*, or any of the amendments thereto, any person through whose lands such ditch or drain has been opened, may, with the consent of the engineer of the municipality, convert so much of such ditch or drain as runs through the lands of such person into a covered drain.

(2) The engineer, before giving such consent, shall examine the portion of the ditch or drain which is proposed to be covered, and shall determine the size and capacity of the proposed covered portion of such drain or ditch, and the nature and quality of material to be used therein, but no such consent shall be given by the said engineer, if the covering of any such portion of said ditch or drain would impede or delay the free flow of the water which such ditch or drain is intended to carry off.

If consent  
given award to  
be filed.

11. The engineer shall file with the clerk of the municipality (if such consent is given) an award setting forth the particulars in accordance with the provisions of said Act, and the amendments thereto, and said award shall be subject to appeal.

Notice to en-  
gineer.

12. The person making the application for the covering of the ditch or drain, may notify the engineer to inspect the ditch or drain in the first place, and shall also notify the owners interested whose lands are situate above his own of the time when the engineer will examine the said drain, and shall also notify said engineer when the work is completed, and it shall not be necessary for such person to take the proceedings provided in sections 5 and 6 of said Act, and such person shall be liable for the fees and expenses of the engineer, and if not paid by such person to the engineer, such fees and expenses shall be collected, as provided for in said Act.

Payment of  
fees and  
expenses.



13. Such person (and the subsequent owners) shall maintain and keep the covered portion of such drain of such sufficient size and capacity as not to impede or delay the free flow of the water above the covered portion or brought thereto by said drain; and any damages occasioned by the neglect or failure to so maintain and keep such portion of the size and capacity aforesaid shall be payable by the owner of the land upon which the insufficient or imperfect portion of the drain is situate.

Flow of water not to be impeded.

14. Sub-section 3 of section 11 of the said Act is amended by adding the following thereto as sub-section (a):

46 V. c. 27, s. 11 (3), amended.

(a) The place for hearing such appeals shall be in the division of the Division Court in which the land of the appellant is situate.

15. This Act shall apply to deepening or widening a ditch or drain.

Application of Act.

16. This Act and the said Act passed in the forty-seventh year of Her Majesty's reign chapter 43 shall be read with and as part of *The Ditches and Watercourses Act, 1883*.

47 V. c. 43 and this Act to be read with 46 V. c. 27.

## CHAPTER 38.

### An Act to Amend the Act respecting the Education Department.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 4 of *The Act respecting the Education Department*, is hereby amended, by adding thereto the following sub-sections:—

48 V. c. 48, s. 4, amended.

(17.) To make regulations for the study of agriculture and for scientific instruction as to the nature of alcoholic stimulants and narcotics, with special reference to their effect upon the human system, and to authorize for the use of teachers and pupils, suitable text-books in said subjects, respectively, for use in all schools under the direction of the Department.

Instruction as to agriculture and the nature of alcoholic stimulants and narcotics.

(18.) To make regulations for the organization of schools for children between three and five years of age, to be known as Kindergarten

Establishment of Kindergarten Schools.

Kindergarten Schools ; to provide for the training and licensing of teachers for such schools, and to pay for their maintenance out of any appropriation made by the Legislative Assembly for Public Schools, such sums of money as such Kindergarten Schools may be entitled to receive on the basis of average attendance.

## CHAPTER 39.

### An Act to Amend the Act respecting Public Schools.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Act to be read  
with 48 V. c.  
49.      1. This Act shall be read conjointly with *The Public Schools Act, 1885*.

48 V. c. 49, s.  
22, amended.      2. Section 22 of *The Public Schools Act, 1885*, is amended by adding the following words thereto:

“And when such poll is closed the chairman and secretary shall count the votes polled for the respective candidates or for the school question submitted, as the case may be, and shall declare the candidate elected, or the school question adopted, for which the highest number of votes was polled, or in case of a tie the chairman shall give the casting vote, as provided in section 18 of this Act.”

48 V. c. 49, s.  
23, repealed.      3. Section 23 of the said Act is hereby repealed and the following substituted therefor:

Acceptance of  
office by  
trustees.      23. The secretary of every school meeting at which any person or persons were elected as school trustees shall forthwith notify in writing each of such persons of his election, and every person so notified shall be considered as having accepted such office unless a notice to the contrary effect has been delivered by him to such secretary within twenty days after the date of such election.

48 V. c. 49, s.  
27, amended.      4. Section 27 of the said Act is hereby amended by adding the following sub-section thereto:

Dissolution of  
school sec-  
tions.      (2) When the ratepayers of any school section, for two years, neglect or refuse to elect trustees, after being duly notified as herein provided, the municipal council of the township may appoint trustees for the said school section, who shall hold office for the same term as if elected by the ratepayers.

5. Section 28 of the said Act is hereby repealed and the following substituted therefor: 48 V. c. 49, s. 28, repealed.

28. Wherever a new school section is formed in any township as provided in section 81 of this Act, the clerk of the township shall give notice of the number and description of such school section to the county inspector, who shall cause copies of the notice so received by him to be posted in three of the most public places in the new school section at least six days before the last Wednesday in December, in the year in which such new school section was formed, and the first meeting in every new school section shall be held at the same time as the annual meeting in rural school sections. Proceedings on formation of new school section.

6. Section 42 of the said Act is hereby amended by adding the following words thereto: 48 V. c. 49, s. 42, amended.

“But this exemption shall not apply to lands liable to taxation for school purposes owned by such person within the distance of three miles.”

7. Section 44 of the said Act is hereby amended by adding thereto the following sub-sections: 48 V. c. 49, s. 44, repealed.

(2) The secretary-treasurers of all such boards of public school trustees in unorganized townships shall be, *ex-officio*, members of a Court of Revision, any three of whom, acting together, shall be a legally constituted Court for the revision and correction of school section assessment rolls, and for the hearing and settlement of any appeals against the same. Court of Revision.

(3) The inspector of schools for the district shall divide the school sections into groups of three sections in every group, and shall notify the secretary-treasurers of the sections concerned of the group to which they respectively belong.

(4) In every case where from the sparseness of settlements, it would be inconvenient for a Court of Revision as herein constituted to meet for the revision and equalization of the assessment roll, it shall be lawful for the inspector, on the request of any board of trustees, to assume the functions of such Court of Revision for the section on behalf of which such request is made, and all the proceedings of the inspector in the matter of the revision or correction of the assessment roll, shall be subject to the provisions of this Act, and shall have the same effect as if made in a Court of Revision.

8. Section 45 of the said Act is hereby repealed and the following substituted therefor: 48 V. c. 49, s. 45, repealed.

45. The trustees of all school sections in unorganized townships shall, annually, appoint a duly qualified person to make out an assessment roll for the section, the secretary-treasurer Annual assessment roll.



of which shall submit a certified copy of the same to the proper Court of Revision for the correction of errors or improper entries that may be found therein.

48 V. c. 49, s.  
46, repealed.

**9.** Section 46 of the said Act is hereby repealed and the following substituted therefor:

Appeal against  
assessment.

**46.** A copy of the said roll as so corrected shall be open to inspection by all persons interested, at some convenient place in the section; notice whereof, signed by the secretary-treasurer of the section, shall be, annually, posted in at least three of the most public places in the section, and shall state the place and the time at which the Court will hear appeals against said assessment roll, and such notice shall be posted as aforesaid by the trustees, for at least three weeks prior to the time appointed for hearing the appeals.

48 V. c. 49, s.  
47, repealed.

**10.** Section 47 of the said Act is hereby repealed and the following substituted therefor:

Manner of  
appeal.

**47.** All appeals shall be made in the same manner and after the same notice, as nearly as may be, as appeals are made to a Court of Revision in the case of ordinary municipal assessments, and the Court of Revision, as constituted according to section 44, shall have the same powers as ordinary municipal Courts of Revision.

48 V. c. 49, s.  
48, repealed.

**11.** Section 48 of the said Act is hereby repealed and the following substituted therefor:

Confirmed roll  
binding.

**48.** The annual roll, as finally passed and signed by the chairman of the Court of Revision, shall be binding upon the trustees and rate-payers of the section, until the annual roll for the succeeding year is passed and signed as aforesaid.

48 V. c. 49, s.  
67, amended.

**12.** Section 67 of the said Act is hereby amended by inserting after the word "Inspector," in the sixth line thereof, the words "or in case of his inability to attend, any person appointed by him on his behalf as third arbitrator."

48 V. c. 49, s.  
74, (2) repealed.

**13.** Sub-section 2 of section 74 of the said Act is hereby repealed.

48 V. c. 49, s.  
82, amended.

**14.—(1)** Section 82 of the said Act is hereby amended by striking out the words "or Inspector," in the ninth line of sub-section 1 of the said section.

(2) Sub-section 2 of the said section is hereby amended by striking out the words "shall forthwith" in the first line and inserting the words "may if it thinks fit."

(3) Sub-section 3 of the said section is hereby repealed.

48 V. c. 49, s.  
86 (6),  
amended.

**15.** Sub-section 6 of section 86 of the said Act is hereby amended by striking out the words "appoint a person to," in the

the second line, and by substituting the word "and" for the word "who" in the third line.

**16.** Section 87 of the said Act is hereby amended by striking out all that portion of the section after the word "section" in the seventh line, and inserting the following: "or against the neglect or refusal of the township council or councils concerned to appoint arbitrators, as provided in section 86 of this Act and on the receipt of such appeal the county council shall have power to appoint not more than three arbitrators, who shall neither be ratepayers in the school section, nor members of the municipal councils concerned, and such arbitrators shall have all the powers of arbitrators appointed under said section 86, and the decision of a majority shall be final and conclusive." 48 V. c. 48, s. 87, amended.

**17.** Section 88 of the said Act is amended by striking out all the words after the word "section" in the sixth line and inserting "or against the refusal or neglect of the township council or councils concerned to appoint arbitrators, to the Minister of Education, who shall have power to alter, determine, or confirm such by-law, or where no by-law was passed, then at his discretion to appoint not more than three arbitrators, who shall proceed as provided in section 86 of this Act, and the decision of a majority of them shall be final and conclusive." 48 V. c. 49, s. 88, amended.

**18.** Section 91 is hereby amended by striking out the words "date fixed by *The Assessment Act* for the return of the roll," and inserting in lieu thereof, "first day of July." 48 V. c. 49, s. 91, amended.

**19.** Section 94 of the said Act is hereby repealed and the following inserted in lieu thereof:— 48 V. c. 49, s. 94, amended.

94.—(1) In case any village, town or city, is incorporated, the trustees having jurisdiction over the school property situated within such village, town or city, prior to its incorporation, shall exercise all the powers conferred by this Act upon the trustees of incorporated villages, towns or cities, until a new election of trustees is held, and such trustees shall call a meeting of the ratepayers of such incorporated village, town or city, within one month after the date of such incorporation for the election of a new Public School Board.

(2) In calling the meeting of the ratepayers of such newly incorporated village, town, or city, the provisions of section 98 shall be complied with so far as the same are applicable.

**20.**—(1) Section 97 of the said Act is hereby amended by adding thereto the following: "and the new board is organized," and by also adding the following sub-section: (2) every board of trustees in cities, towns, and incorporated villages elected as provided by this Act shall be a corporation by the name of The 48 V. c. 49, s. 97, amended.

Public School Board, (prefixing to the words 'Public School Board' the name of the city, town or incorporated village for which such trustees are elected) and shall have and possess all the powers usually possessed by corporations, so far as the same are necessary for carrying out the purposes of this Act.

(3) When any town or incorporated village is annexed to a city, the town or incorporated village so annexed shall, for all the purposes of this Act, be deemed to be part of the city.

48 V. c. 49, s.  
98 (7),  
amended.

**21.** Sub-section 7 of section 98 of the said Act is hereby amended by striking out all the words after the word "votes" in the fourth line thereof and substituting the following: "and shall forthwith notify the candidates in writing of the number of votes polled for each of them respectively in said election."

48 V. c. 49, s.  
98 (8),  
amended.

**22.** Sub-section 8 of section 98 of the said Act is hereby amended by inserting after the word "present" in the second line thereof the words "at the first meeting thereof after such election and before the organization of the board," and by striking out of the fourth line the words "at the time of declaring the result of the poll."

48 V. c. 49, s.  
107, amended.

**23.** Section 107 of the said Act is hereby amended by inserting after the word "any" in the first line thereof the word "actual."

48 V. c. 49, s.  
108, repealed.

**24.** Section 108 of the said Act is hereby repealed and the following substituted therefor:—

First meeting  
of Board

108. The members of every board of school trustees shall hold their first meeting on the third Wednesday in January in each year in which they were elected (or if a board of education then on the first Wednesday in February) at the hour of one o'clock in the afternoon, at the usual place of meeting of such board, and no business shall be proceeded with at such first meeting except the appointment of a chairman and such other business as may be necessary for the organization of such board.

48 V. c. 49, s.  
114, amended.

**25.** Section 114 of the said Act is hereby amended by adding the following sub-sections thereto:—

Kindergarten  
schools.

(13) To provide if deemed expedient for children between three and five years of age a course of instruction and training according to the methods practised in Kindergarten schools, subject however to the regulations of the Education Department in that behalf.

Dismissal of  
refractory  
pupils.

(14) To dismiss from the school any pupil who shall be adjudged so refractory by the trustees (or by a majority of them) and the teacher that his presence in school is deemed injurious to the other pupils, and, where practicable, to remove such pupil to an industrial school.



**26.** Sub-section 12 of section 114 of the said Act is hereby amended by inserting after the word "schools" in the fourth line thereof the following words: "and shall have the same powers in regard to school property generally as are conferred upon the trustees of rural schools by sub-section 9 of section 40 of this Act, and all such powers may be exercised with or without a vote of the ratepayers." 48 V. c. 49, s. 114 (12), amended.

**27.** Section 124 is amended by adding thereto the following: "Where the public school rate and the separate school rate are not the same, if the owner is compelled to pay a school rate in consequence of the default of his tenant to pay the same, he shall only be liable to pay the amount of the school rate of the schools to which in virtue of his right in this behalf he directed his money to be paid." 48 V. c. 49, s. 124, amended.

**28.** Section 134 of the said Act is hereby amended by adding thereto the following sub-section:— 48 V. c. 49, s. 134, amended.

(2) Nothing in this section contained shall be construed to mean that the municipal council may not, if deemed expedient, without submitting the same to a vote of the ratepayers of such municipality, as required by *The Consolidated Municipal Act, 1883*, for the creating of debts, pass a by-law for the purpose of raising or borrowing money, on the requisition of the Public School Board, for any of the purposes named in this section, and any by-law passed by a municipal council under said section 134 since the 30th day of March, 1885, shall have the same effect as if passed under this Act.

**29.** Section 154 of the said Act is hereby amended by adding thereto the following sub-section:— 48 V. c. 49, s. 154, amended

(11) To notify the Medical Health Officer of the municipality, or where there is none to notify the local board of health, whenever he has reason to believe that any pupil attending school is affected with or exposed to small-pox, cholera, scarlatina, diphtheria, whooping-cough, measles, mumps, or other contagious disease, and to prevent the attendance of all pupils so exposed, or suspected of being exposed, until furnished with the written statement of the health officer, or of the local board of health, or of a physician, that such contagious diseases did not exist, or that all danger from exposure to any of them had passed away.

**30.** Section 155 of the said Act is hereby amended by inserting after the word "taught," in the fourth line, the words "in the calendar year," and by substituting the word "such" for the word "the," in the fifth line. 48 V. c. 49, s. 155, amended

**31.** Section 191 of the said Act is hereby amended by adding thereto the following sub-section:— 48 V. c. 49, s. 191, amended.

(2) In making their award the arbitrators shall among other things

things determine the liabilities of the parties concerned therein for the costs of such arbitration, and such determination shall be final and conclusive.

48 V. c. 49, s. 245, repealed. **32.** Section 245 of the said Act is hereby repealed, and the following substituted therefor:—

Fine on disqualified person acting as trustee. **245.** If any person elected as a school trustee attends any meetings of the school board as such, after being disqualified under this Act, he shall be liable to a penalty of \$20, for every meeting so attended.

48 V. c. 49, s. 247, amended. **33.** Section 247 of the said Act is hereby amended by substituting for the words “a resident within the school municipality,” in the fifth line, the words “an actual resident within the school section.”

## CHAPTER 40.

### An Act to amend the High School Act.

[Assented to 23rd April, 1887.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

48 V. c. 50, s. 10 amended. **1.** Section 10 of *The High Schools Act, 1885*, is amended by adding thereto the following sub-sections:

Establishment of high schools in cities. (2) It shall be lawful for the municipal council of a city to establish as many high schools in such city as they may deem expedient, subject always to the approval of the Lieutenant-Governor in Council.

Additional trustees. (3) Where more than one high school is established in a city, the municipal council thereof shall appoint six trustees for each additional high school, but the High School Board for the city shall, nevertheless, to all intents and purposes, be one board and one corporation.

48 V. c. 50, s. 22 amended. **2.** Section 22 of the said Act is amended by striking out all the words between “February” in the second line and the word “and” in the fifth line, and by inserting after the word “secretary” in the sixth line the words “and treasurer or secretary-treasurer.”

48 V. c. 50, s. 25(8) amended. **3.** Sub-section 8 of section 25, of the said Act, is hereby amended by adding thereto the words “and to expel any pupil whose parents or guardians neglect or refuse to pay the tuition fees of such pupil after reasonable notice.” **4.**

4. Section 33 of *The High Schools Act, 1885*, is hereby amended by striking out of the fifteenth line thereof, the words "or for dissolving such union," and by adding the following sub-section thereto:—

48 V. c. 50, s. 33  
amended.

(2) Any such by-law of the council of a minor municipality for dissolving such union of the whole, or a portion thereof with the whole or a portion of another municipality, and duly passed in manner and on petition as aforesaid, shall have the effect of dissolving such union, without the concurrence or any other act on the part of such other municipality or portion thereof, but such by-law shall not come into operation until the first day of January next following the lapse of six months from the passing thereof by the said council, but such dissolution shall not relieve such minor municipality or part thereof from any rates imposed by the Board of High School Trustees for the issue of debentures or any other debts incurred before the date of such dissolution.

5. Section 35 of the said Act is amended by adding thereto the following sub-section :

48 V. c. 50, s.  
35 amended.

(4) Nothing in this section contained shall be construed to mean that the municipal council may not if deemed expedient, without submitting the same to a vote of the rate-payers of such municipality, as required by *The Consolidated Municipal Act, 1883*, for the creating of debts, pass a by-law for the purpose of raising or borrowing money, on the requisition of the High School Board, for any of the purposes named in this section, and any by-law passed by a municipal council under said section 35, since the 30th day of March, 1885, shall have the same effect as if passed under this Act.

6. Section 36 of the said Act is amended by striking out the words "county, and city, and of every town separated from the county for municipal purposes," in the first line, and inserting in lieu thereof the word "municipality."

48 V. c. 50, s.  
36 amended.

7. Section 54 of the said Act is amended by inserting before the word "five," in the sixth line, the word "twenty."

48 V. c. 50, s.  
54, amended.

8. Section 56 of the said Act is amended by striking out the words "shall be entitled to" and inserting in lieu thereof the words "may be paid."

48 V. c. 50, s.  
56, amended.

9. The following sections shall be added to the said Act:—

#### *Authorized Books.*

60. No teacher shall use or permit to be used as text books any books in a High School, except such as are authorized by the Education Department, and no portion of the legislative or municipal grant shall be paid to any school in which unauthorized books are used.

Only author-  
ized text-  
books to be  
used.

61.



Change of  
text-book.

61. Any authorized text book in actual use in any High School may be changed by the teacher of such school for any other authorized text book in the same subject on the written approval of the trustees, provided always such change is made at the beginning of a school term, and at least six months after such approval has been given.

Substitution  
of unauthor-  
ized text-  
books.

62. In case any teacher or other person shall negligently or wilfully substitute any unauthorized text book in place of any authorized text book in actual use upon the same subject in his school, he shall for each such offence, on conviction thereof before a police magistrate or justice of the peace, as the case may be, be liable to a penalty not exceeding \$10, payable to the municipality for High School purposes, together with costs, as the police magistrate or justice may think fit.

## CHAPTER 41.

### An Act respecting Separate School Debentures.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

49 V. c. 46, s.  
59 amended.

The following provisions are hereby added to section 59 of *The Separate Schools Act, 1886* :—

(3) The mortgages and other instruments which the trustees have power to make, as aforesaid, for the security and payment of money borrowed or payable for school purposes may, in the discretion of the trustees, be made in the form of debentures; and debentures shall be a charge on the same property and rates aforesaid, as in the case of mortgages thereof made by the trustees, as in the first sub-section mentioned.

(4) Every by-law of the trustees for the issue of such debentures shall be sealed with the corporate seal of the board of trustees, and shall be signed by the chairman and secretary of the board, and the by-law may be quashed by application to the High Court of Justice at Toronto, in the same way as municipal by-laws may be quashed.

(5) The by-law shall name a day in the financial year in which the same is passed when the by-law is to take effect, and shall state the whole of the debt and the obligations to be issued thereunder, and shall make the same payable in twenty years at furthest from the day on which the by-law takes effect, and shall provide for including thereafter in the yearly separate

rate school rate a sufficient sum for the payment of an amount sufficient to pay the yearly interest during the currency of the debentures, and also a certain specific sum to be realized annually for the payment of the principal, which specific sum shall be sufficient with the estimated interest on the investments thereof to discharge the debt when payable.

(6) Every such by-law, before being acted upon, shall be published for at least three successive weeks in some public newspaper published weekly, or oftener, in the city, town or county in which the separate school is situate, and if no application to quash the by-law shall be made for three months after the publication thereof as aforesaid, the by-law shall, as in the case of a municipal by-law, be valid, notwithstanding any want of substance or form in the by-law or in the time or manner of passing the same.

(7) No debenture issued under the by-law shall be for less than \$100. The debentures may be in the form following:—

PROVINCE OF ONTARIO.

\$....

No....

Debenture of the Board of Trustees of the Roman Catholic Separate Schools for  
(or other corporate name of the Board, as the case may be),

The Board of Trustees of the Roman Catholic Separate Schools for  
(or other corporate name of the Board, as the case may be),  
hereby promise to pay to bearer at the Bank of , at ,  
the sum of dollars of lawful money of Canada, in ,  
years from the date hereof, and to pay interest at the rate of per cent.  
per annum half-yearly to the bearer of the annexed coupons respectively  
upon the presentation thereof at the said Bank.

Issued this day of , by virtue and under authority of the  
Separate Schools Act, 1886, and amendments thereto, and pursuant to  
by-law number of said Board of Separate School Trustees, passed on  
the day of , 1887, entitled a by-law to raise by way of loan  
the sum of dollars for the purposes therein mentioned,  
bearing date the day of , 18 .

C. D.,  
Secretary-Treasurer of said Board.

A. B.,  
Chairman of said Board.

Coupon No....

The Board of Trustees of the Roman Catholic Separate School for  
(or other corporate name) will pay bearer at the Bank of ,  
at , on the day of , 18 , the sum of dollars,  
interest due on that day on Debenture No. .

(8) Nothing contained in the preceding sub-sections three, four, five, six, and seven of this section shall be deemed to declare or imply any construction of any statute or of any provision thereof, passed prior to the twentieth day of April, in the year 1887, or as declaring or implying that the trustees had not theretofore power to make and issue debentures for the security and payment of money borrowed or payable for school purposes.

CHAPTER

## CHAPTER 42.

## An Act respecting Upper Canada College.

[Assented to 23rd April, 1887.]

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly, of the Province of Ontario, enacts as follows:—

- Name.**           **1.** The school now established in Toronto, and known as "Upper Canada College and Royal Grammar School," shall hereafter be known as "Upper Canada College."
- Lieutenant-Governor to be the Visitor.**   **2.** The Lieutenant-Governor shall be the Visitor of the said College, on behalf of the Crown and his visitorial powers may be exercised by Commission under the Great Seal, the proceedings whereof, having been first confirmed by Order in Council, shall be binding upon the College, and all persons whomsoever.
- Board of trustees.**   **3.** The College shall be under the management of five trustees, appointed by the Lieutenant-Governor, who shall hold office during pleasure.
- College masters.**   **4.** There shall be in the College a Principal and such masters, officers, and servants as may from time to time be directed by order of the Lieutenant-Governor in Council.
- No religious test, etc., to be required.**   **5.** No religious test or profession of religious faith shall be required of any principal, master, pupil, officer or servant of the College, nor shall religious observances, according to the forms of any religious denomination, be imposed on them or any of them.
- Matters to be regulated by trustees.**   **6.** The trustees may make regulations—
1. For holding written examinations for the admission of pupils to the College, or for their promotion from time to time; for regulating the fees to be paid by pupils for tuition and maintenance; for promoting the efficiency of the College; for the care of College property; and generally for carrying this Act into effect, according to its true intent and meaning.
2. For the moral training of the pupils and their attendance on public worship in their respective churches or other places of worship, and for their religious instruction by their respective ministers, and every facility shall be afforded for such purposes.
- Matters to be regulated by principal.**   **7.** The Principal may make regulations for the direction of the masters, officers and servants, in regard to their respective duties, and for the discipline and instruction of the pupils



pupils of the College in such matters and to such extent as he may deem expedient, subject to the approval of the trustees and the Lieutenant-Governor in Council.

8. All masters hereafter appointed to the College, shall possess the qualifications required of masters or assistants in High Schools, and the College, in regard to its methods of instruction, discipline and organization, shall be subject to the same inspection as High Schools generally. Qualifications of masters.

9. A certified copy of every regulation made under this Act by the trustees of the College, and of every regulation made by the principal, after being approved by the trustees, shall be transmitted within ten days from the passing thereof to the Minister of Education, to be by him submitted to the Visitor for his approval, and no regulation shall be of any force or effect until so approved. Regulations to be submitted to Visitor.

10. All statutes, rules and ordinances of the College in force on the day this Act takes effect, and which are not inconsistent with the provisions hereof, shall be and continue in force until repealed, altered or amended as herein provided. Present statutes to remain in force until repealed.

11. The Principal of the College shall report to the Minister of Education, on or before the 15th day of January in every year, the annual attendance of pupils, the number in each class, form or subject, the number admitted or promoted each term, the number retiring from the College, with reasons for their retirement, and generally such other information as he may deem expedient, or as may be required by the Minister of Education. Annual report to be made by Principal.

12.—(1) The Lieutenant-Governor in Council may make regulations for the retirement and superannuation of any teacher, officer or servant of the College, now employed, and any gratuity or superannuation allowance paid under this Act shall be a charge upon any moneys or securities vested in the Crown at the date of this Act in trust for Upper Canada College and shall be paid out of the same as the Lieutenant-Governor in Council may direct. Regulations as to superannuation of masters.

(2) Every such regulation shall be laid before the Legislative Assembly forthwith if the Legislature is in session at the date of the regulation, and if the Legislature is not in session such regulation shall be laid before the House within the first seven days of the session next after the regulation is made. Regulations to be laid before Legislative Assembly.

(3) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the regulation is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such regulation, either wholly or of any part thereof, the regulation, so far as disapproved of, shall have no effect from the time of such resolution being passed. Regulations, if disapproved of, to be of no effect.

Report and regulations to be laid before Legislature.

**13.** Copies of the annual reports, and of the regulations of the trustees or principal which may have been approved by the Visitor, shall be laid before the Legislative Assembly at the then next session thereof

Commencement of Act.

**14.** This Act shall take effect by proclamation of the Lieutenant-Governor in Council, and when so proclaimed all other Acts respecting Upper Canada College shall be repealed.

## CHAPTER 43.

An Act respecting the Federation of the University of Toronto and University College with other Universities and Colleges.

*[Assented to 23rd April, 1887.]*

Preamble.

**W**HEREAS, it is desirable that the Universities and Colleges of the Province of Ontario should be permitted to enter into such relations with the University of Toronto as would enable them to avail themselves of the instruction given by the Faculty of the said University;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Corporate name of University.

**1.** The name of the University shall be “The University of Toronto.”

Rev. Stat. c. 1, s. 8 (22).

**2.—(1)** The University of Toronto shall continue to be a body corporate, with power to hold any real property assigned to it under the provisions of any former Act, or of this Act, and with such other powers and privileges as are conferred upon it by those portions of the Charter remaining in force, which was granted in the eighth year of the reign of His late Majesty King George the Fourth, or by any former Act, but such powers shall be exercised in accordance with the provisions of this Act.

General powers.

**(2)** The Chancellor and Vice-Chancellor, and the Senate, and all officers, and all existing appointments, statutes, rules and regulations affecting such University, shall continue, subject to the provisions of this Act. R. S. O. 1877, c. 210, s. 2.

Corporation of the University, how composed.

**3.** The Corporation of the University of Toronto shall consist of the Chancellor, Vice-Chancellor, Professors, and members of the Senate and of Convocation for the time being. R. S. O. 1877, c. 210, s. 3.

4. The Lieutenant-Governor shall be the Visitor of the University on behalf of the Crown, and his visitorial powers may be exercised by commission under the Great Seal, and the proceedings of any commission, having been first confirmed by the Lieutenant-Governor, shall be binding on the University and its members, and on all persons whomsoever. R. S. O. 1877, c. 210, s. 5.

5.—(1) There shall be established in the University of Toronto a teaching faculty in the following subjects, viz.: Pure Mathematics, Physics, Astronomy, Geology, Mineralogy, Chemistry (Pure and Applied), Zoology, Botany, Physiology, History, Ethnology and Comparative Philology, History of Philosophy, Logic and Metaphysics, Education, Spanish and Italian, Political Science, (including Political Economy, Jurisprudence, and Constitutional Law), Engineering, and such other Sciences, Arts, and branches of knowledge, including a teaching faculty in Medicine and in Law, as the Senate may from time to time determine, unless otherwise prohibited by this Act.

(2) The president, professors, lecturers, teachers, officers and servants of the University shall be appointed by the Lieutenant-Governor, after such examination, inquiry and report as he considers necessary, and shall hold office during his pleasure; but the president may, at any time, suspend any officer or servant, and in case of so doing shall report the same forthwith to the Visitor. R. S. O. 1877, c. 209, s. 11.

(3) The curriculum in Arts of the University, shall include the subjects of Biblical Greek, Biblical Literature, Christian Ethics, Apologetics, the Evidences of Natural and Revealed Religion and Church History, but any provision for examination and instruction in the same shall be left to the voluntary action of the federating Universities and Colleges, and provision shall be made by a system of options to prevent such subjects being made compulsory upon any candidate for a degree.

(4) Any lectures of the University Faculty shall, with the exception of laboratory fees and the lectures in the faculty of Medicine and of Law, be free of charge to all Students matriculated in the University who are enrolled in a federating University, or in University College or in a federating college, and who enter their names with the Registrar of the University Faculty; but in the case of all other students the Senate shall determine the fees which shall be charged for the several courses of lectures in the University.

(5) In case the faculties of Medicine or Law are established the Senate may from time to time, by statute, regulate the instruction to be given, the fees to be paid for lectures, the duties of professors, the discipline of students, and all other matters pertaining to the establishment and management of such faculties.



Federating  
University  
must suspend  
its power to  
confer degrees

6—(1) Any University in the Province of Ontario that suspends its power to confer such degrees as it may be authorized to confer (excepting Degrees in Theology) shall be entitled to be represented on the Senate of the University of Toronto as hereinafter provided, and shall, during the term of the suspension of such power as aforesaid, be known as a federating University, with a right to all the privileges and franchises hereinafter mentioned.

Proclamation  
of such sus-  
pension.

(2) When any University in Ontario has decided to suspend its powers of conferring degrees as aforesaid, it shall notify the Provincial Secretary to that effect, and on the receipt of the notice the Lieutenant-Governor in Council may, by proclamation, in the *Ontario Gazette*, declare such University to be federated with the University of Toronto, on and after such date as may be named in the proclamation, and thereupon the power to confer such degrees shall remain in abeyance until proclamation is made to the contrary effect in a similar way.

How to re-  
sume power to  
confer degrees.

(3) Any federating University, before resuming the power of conferring degrees so suspended or held in abeyance shall, through its proper officer, notify the Provincial Secretary of its intention to do so, but such power shall not be exercised for three years after the date of such federation, nor until one year after notice is received as aforesaid, proclamation of which shall be made in the *Ontario Gazette*.

Status of  
graduates, etc.

7. The graduates and undergraduates in Arts, Science and Law of any federating University, and such graduates and undergraduates in Medicine as have passed their examinations in the Province of Ontario shall, from and after the date of such federation, have and enjoy the same degrees, honors and status in the University of Toronto as they previously held in the federating University, and shall be entitled, subject to the provisions of this Act, to all the rights and privileges pertaining to such degrees and status, so long as such federation continues.

Affiliated  
colleges  
generally.

8.—(1) A college affiliated with a federating University shall be deemed to be affiliated with the University of Toronto, but such affiliated college, or any other college hereafter affiliated with the University of Toronto, shall not thereby acquire the right of representation on the Senate, unless so declared in a statute of the Senate in that behalf.

Affiliated  
colleges in  
Toronto.

(2) All colleges in Toronto, which are in affiliation with the University of Toronto when this Act takes effect, not being schools of medicine, shall be considered federating colleges within the meaning of this Act, and any school of medicine in affiliation with the University of Toronto when this Act takes effect shall be deemed to be affiliated with the said University.

Senate may  
remove from  
federation.

(3) The Senate may by statute remove from federation with the University of Toronto any federating college which affi-  
ates

ates with or becomes an integral part of any other University, exercising University power other than that of conferring degrees in theology.

#### CHANCELLOR.

**9.**—(1) The Chancellor of the said University shall be elected <sup>Term of</sup> by the members of Convocation, in the manner hereinafter men- <sup>office</sup> tioned, and shall hold office for three years, and until his successor is elected. R. S. O. 1877, c. 210, s. 6.

(2) The ordinary triennial election of Chancellor shall take place on the first Wednesday in October in any year in which an election is required.

(3) In case of vacancy in the office of Chancellor, by death, <sup>Vacancy in the</sup> resignation, or any other cause, before the expiration of his term <sup>office of</sup> of office, then, at a special election, to be holden for that pur- <sup>Chancellor,</sup> pose (of which election notice shall be given in such manner <sup>how filled.</sup> as may be provided by Statute of the Senate), the members of Convocation entitled to vote shall elect a Chancellor for the remainder of the term in which such death, resignation, or other avoidance may have happened. R. S. O. 1877, c. 210, s. 7.

#### VICE-CHANCELLOR.

**10.**—(1) The Vice-Chancellor of the University shall be <sup>Term of</sup> elected by the members of the Senate from among themselves, <sup>office.</sup> and shall hold office for three years, and until his successor is appointed.

(2) The ordinary triennial election of Vice-Chancellor shall take place at the first meeting of the Senate, in any academic year, in which such election may be required, and the Registrar shall, at least one month before the meeting, notify all the members of the Senate that the election is to be held.

(3) In case of vacancy in the office of Vice-Chancellor, by death, <sup>Vacancies to</sup> resignation, or any other cause, before the expiration of his <sup>be filled up by</sup> term of office, the members of the Senate shall, at a meeting <sup>the Senate.</sup> to be held by them for that purpose, as soon as conveniently may be, of which notice shall be given in such manner as may be provided by Statute of the Senate, elect one other of the said members of the Senate to be Vice-Chancellor for the remainder of the term. R. S. O. 1877, c. 210, s. 9.

#### THE SENATE.

**11.** The Senate of the University of Toronto shall be composed as follows:—

1. The Minister of Education, the Chancellor, the President <sup>Ex-officio</sup> of University College, the President or other head of each <sup>members.</sup> federating university or college, and all Chancellors and Vice-Chancellors

Vice-Chancellors of the University of Toronto who held these offices before or who hold the same at the commencement of this Act, shall be ex-officio members of the Senate;

Appointed  
members.

2. The Council of University College, the Law Society of Upper Canada, the governing body of every federating university, or college, and of every college or school in this Province now affiliated or hereafter affiliated with the University of Toronto, subject to the provisions of section 8, may appoint one member, the Council of the University may appoint three members, and the Lieutenant-Governor in Council may appoint nine members of the Senate.

(a) One member of the Council of University College shall be appointed triennially by the Council of the College, and three members of the Faculty of the University by the Council of the University, and these appointments shall be made in rotation and shall proceed by seniority until every member has in turn been a member of the Senate, and so successively; and in case the member in rotation is otherwise of the Senate, or if he decline to act, the office shall fall to the next member or members. The Registrar of the University Council shall, from time to time, certify to the Registrar of the Senate, the members who, under this provision, become members of the Senate. R. S. O. 1877, c. 210, s. 11; 47 V. c. 45, s. 1.

Elected  
members.

3. At the first and second elections held under this Act, the graduates in Arts of the University of Toronto and of every federating university shall respectively be entitled to elect to the Senate, as hereinafter provided, one representative for every one hundred graduates in Arts on the register of the University when this Act takes effect, (a fraction over the last one hundred, if exceeding fifty to count as a full hundred), the graduates in Medicine shall be entitled to elect four members and the graduates in Law two members, of the Senate.

Graduates in  
Medicine and  
Law.

4. At any election to the Senate that takes place under this Act, the graduates in Medicine of the University of Toronto and of any federating university or universities shall vote as one body; and a similar rule shall apply to the graduates in Law.

Certain gradu-  
ates to vote  
as a separate  
body for six  
years.

5. For a period of six years after the federation of any university, the graduates in Arts of the federating university and of the University of Toronto, shall vote in all elections to the Senate as distinct and separate bodies; but in all elections thereafter, the graduates shall vote as members of one convocation, and shall conjointly as graduates of the University of Toronto, elect the same number of members of the Senate as theretofore they were entitled to elect separately.

Election  
register.

6. The registrar of the Senate shall, as often as an election takes



takes place during the said period of six years, in preparing the Election Register hereinafter mentioned, make out a separate list of the graduates in Arts of the University of Toronto, and of every federating university, and shall also make out a separate voters' list of the graduates in Medicine and of the graduates in Law, and for the said period of six years such voters' lists shall be the voters' lists in all elections to the Senate.

7. The headmasters and assistant masters of Collegiate High School Institutes and High Schools may elect two members as heretofore provided. <sup>representatives.</sup>

#### CONVOCATION.

12. The Convocation of the University of Toronto shall consist of the graduates in the several faculties of the University, and every graduate shall be a member of Convocation. <sup>Convocation of whom to consist.</sup> 44 V., c. 31, s. 1.

13. The register of graduates shall be kept by the Registrar of the University, and shall be open and accessible to members of Convocation during office hours, and the persons only whose names appear thereon, shall be entitled to vote as members of Convocation. 44 V., c. 31, s. 2; R. S. O. 1877, c. 210, s. 13. <sup>Register of graduates.</sup>

14—(1) The Registrar of the University shall triennially, after Commencement when degrees are conferred, in every year in which an election is to take place, make out an alphabetical list or register, to be called "The Election Register," of the names and known addresses of the members of Convocation, who are entitled to vote as such members; and such register may be examined by any member of Convocation at all reasonable times at the office of the said Registrar. <sup>Election register.</sup>

(2.) In case a member of Convocation complains to the Registrar, in writing, of the improper omission or insertion of any name in the said list, it shall be the duty of the Registrar forthwith to examine into the complaint and to rectify the error if any there be, subject at all times to an appeal to the Chancellor or Vice-Chancellor. R. S. O. 1877, c. 210, s. 14. <sup>Errors. How corrected.</sup>

#### ELECTION OF CHANCELLOR AND MEMBERS OF SENATE.

15.—(1) Any ten members of Convocation may nominate a candidate for the office of Chancellor, or for the office of member of the Senate, and the nomination paper or papers shall be sent in to the Registrar, on or before the first Wednesday of September in any year in which an election is to be held. <sup>Election of Chancellor and members of the Senate.</sup>

(2) At least one week after the said first Wednesday in September, the Registrar shall send by post, where his residence is known, the form of voting paper in the schedule to this Act to each member of Convocation, with the list of names of <sup>List of members of Senate to be sent with list of voters.</sup>

all candidates nominated by ten members, and also a list of the retiring members, and the voting for members of the Senate shall be limited to the persons who have been so nominated. 44 V. c. 31, ss. 4, 16, 17.

(a) In the case of head masters and assistant teachers of High Schools and Collegiate Institutes, their addresses shall be furnished by the Education Department on the application of the Registrar, and their election shall in all other respects be governed by the provisions of this Act. R. S. O. c. 210, s. 26, (1), 1, (2); 47 V. c. 45, s. 2.

Federating University to elect full number of representatives.

(3) In the case of a University federating with the University of Toronto, the federating University shall at the time herein fixed for the federation taking effect, elect the full number of representatives to which as a federating University it may be entitled, as provided in section 11 of this Act.

Separate nomination papers for six years.

(4) For a period of six years after the federation of any University with the University of Toronto, separate nomination papers shall be made out for the election of members of the Senate, by the graduates in arts of the University of Toronto, and the graduates in arts of a federating University respectively.

How votes are to be given.

**16.** The votes at any election by Convocation for Chancellor and for members of the Senate respectively, shall be given by closed voting papers, in the form in the schedule to this Act, or to the like effect, being delivered to the Registrar of the University, at his office between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, on any day between the second Wednesday of September and the first Wednesday of October, in each year in which an election is held; and any voting papers received by the said Registrar by post during the time aforesaid, shall be deemed as delivered to him for the purpose of the election. R. S. O. 1877, c. 210, s. 15.

Opening voting papers.

**17.** The said voting papers shall, upon the Thursday after the first Wednesday of October, be opened by the Registrar of the University, in the presence of the scrutineers, to be appointed as hereinafter mentioned, who shall examine and count the votes, and keep a record thereof in a proper book to be provided by the Senate. R. S. O. 1877, c. 210, s. 18.

Election of Chancellor.

**18.** The person who has the highest number of votes at any election for Chancellor shall be Chancellor of the University for the term of office then next ensuing, or for the unexpired portion of the then current term, as the case may be. R. S. O. 1877, c. 210, s. 19.

Election of members of Senate.

**19.** The persons who have the highest number of votes for members of the Senate shall be declared elected members thereof,

thereof, their number and term of office being limited as hereinbefore provided. R. S. O. 1877, c. 210, s. 20.

**20.** Any person entitled to vote at the election shall be entitled to be present at the opening of the voting papers. Who may be present at opening of papers.  
R. S. O. 1877, c. 210 s. 21.

**21.** In case of an equality of votes between two or more persons, which leaves the election of the Chancellor, or of one or more members of the Senate, undecided, then the scrutineers shall forthwith put into a ballot-box a number of papers with the names of the candidates respectively having such equality of votes written thereon, one for each candidate, and the Registrar of the University shall draw from the ballot-box, in the presence of the scrutineers, one of the papers in the case of the election of Chancellor, and one or more of the papers in the case of the election of members of the Senate, sufficient to make up the required number, and the persons whose names are upon the papers so drawn shall be respectively the Chancellor and the members of the Senate. Equality of votes.  
R. S. O. 1877, c. 210, s. 22.

**22.** Upon the completion of the counting of the votes and of the scrutiny, the Vice-Chancellor, or other person acting as and for him, shall forthwith declare the result of the election and shall, as soon as conveniently may be, report the same in writing signed by himself and by the scrutineers, to the Senate and to the Secretary of the Province. Declaration of result of election.  
R. S. O. 1877, c. 210, s. 23.

**23.** The Senate of the University or, in default, the Chancellor, shall, at least two weeks previous to the election, appoint two persons who, with the Vice-Chancellor, shall act as scrutineers at the next ensuing election; and the Senate or, in default, the Chancellor, shall appoint a member of the Senate, who shall act for and as the Vice-Chancellor, should he be absent from the election. Appointment of scrutineers.  
R. S. O. 1877, c. 210, s. 24.

**24.** In the event of any elector placing more than one name on his voting paper for Chancellor, or more than the required number on his voting paper for members of the Senate, the first name only shall be taken for Chancellor, and the first names only, not exceeding the required number, shall be taken for the members of the Senate. Informal voting papers.  
R. S. O. 1877, c. 210, s. 25.

**25.** On this Act taking effect as provided by section 6, the term of all appointed and elected members of the Senate of the University of Toronto then in office shall cease and determine, and all members of the Senate elected thereafter by Convocation, shall remain in office for a period of three years. Term of members of Senate to cease at commencement of Act.

**26.**



Vacancies in Senate, how filled.

**26.** In case any vacancy shall occur by the death, resignation or removal from the Province of any member of the Senate elected by Convocation before the expiry of his term of office, the Senate shall thereupon appoint, from amongst the members of Convocation, another member of the Senate for the unexpired period of the term. 44 V. c. 31, s. 5.

Former Chancellors, etc., eligible for re-election.

**27.** At all elections to take place under this Act, retiring Chancellors or members of the Senate shall be eligible for re-election. R. S. O. 1877, c. 210, s. 29.

Crown appointees, their term of office.

**28.** Of the nine persons appointed by the Lieutenant-Governor, three shall retire in each year, in rotation, according to seniority of appointment; or in case of the appointment of the full number of nine members on this Act taking effect, then in the way the Lieutenant-Governor in Council may direct; and the vacancies in the Senate respectively created by such retirements in each year, shall, from time to time, be filled by appointment of the Lieutenant-Governor, the members so appointed holding office for three years and retiring by rotation at the expiration of the said term. R. S. O. 1877, c. 210, s. 31.

Crown appointees to be notified to the Registrar.

**29.** Whenever any appointment is made by the Lieutenant-Governor to fill vacancies, whether on retirement by rotation, or from other cause arising, the Secretary of the Province for the time being shall forthwith communicate the name of the person so appointed to the Registrar of the University. R. S. O. 1877, c. 210, s. 32.

Provision when vacancies are not filled by Lieutenant-Governor.

**30.** If at any time, by death or otherwise, the number of the appointed members of the Senate is reduced below the number of nine, and remains reduced for three months, if the Lieutenant-Governor does not think proper to complete the said number by appointment, the members of the Senate may at a meeting to be held for that purpose (of which notice shall be given to the Provincial Secretary, and to the members of the Senate in the manner provided by statute of Senate), elect one or more fit and proper persons to be members of the Senate in addition to the then remaining appointed members thereof, to the end that by means of such election the number of nine appointed members of the Senate may thus be completed; and the members so elected to vacancies by the Senate shall hold office for the term or for the remainder of the term pertaining to each such vacancy respectively. R. S. O. 1877, c. 210, s. 33.

Majority to decide, etc.

**31.** All questions which come before the Senate shall be decided by the majority of the members present; but in case of an equality of votes, the question shall be negatived. R. S. O. 1877, c. 210, s. 34.

Quorum.

**32.** No question shall be decided at any meeting unless the Chancellor

Chancellor or Vice-Chancellor and four other members of the Senate, or, in the absence of the Chancellor and Vice-Chancellor, unless five other members of the Senate, at the least, are present at the time of such decision, nor shall any meeting be legal unless held at the times or convened in the manner provided for by statute to be passed by the Senate. R. S. O. 1877, c. 210, s. 35.

**33.** At every meeting of the Senate, the Chancellor, or in his absence the Vice-Chancellor, shall preside as chairman, or in the absence of both, a chairman shall be chosen by the members present, or a majority of them. R. S. O. 1877, c. 210, s. 36.

**34.** The Senate for the time being shall, subject to the provisions of *The Act respecting the Income and Property of the University of Toronto, University College, and Upper Canada College*, have the management of and superintendency over the affairs and business of the University. R. S. O. 1877, c. c. 211. 210, s. 37.

**35.** The Senate shall have power to examine for, and after examination to confer the several Degrees of Bachelor and Master of Arts, Bachelor and Doctor in Laws, Science, Philosophy, Medicine and Music, and Master in Surgery, and the Degree of Civil Engineer, Mining Engineer, and Mechanical Engineer, or such of the said Degrees as they shall think fit, and also to confer the several degrees of Bachelor, Master and Doctor in any department of knowledge whatever, except Theology, as the Senate by statute in that behalf shall from time to time determine, and whether such departments of knowledge shall or shall not include any portion of the departments of knowledge for which Degrees in Arts, Laws, Science, Medicine and Music, or any of them, are authorized to be conferred by this Act; and such reasonable fees may be charged for or in respect of such examination and Degrees respectively, or either of them, as the Senate shall by statute in that behalf from time to time direct; provided always that it shall be competent for the Senate to confer the degrees of LL.D. and D.C.L., *honoris causa*, under such statute as may in that behalf be passed. R. S. O. 1877, c. 210, s. 33; 47 V. c. 45, s. 3.

**36.** The Senate shall also have power to admit to any of the said degrees as *ad eundem* Degrees; but no degree so conferred shall, without the consent of Convocation in each case, entitle the holder thereof to be or become a member of Convocation. R. S. O. 1877, c. 210, s. 39.

**37.** The Senate shall have power to examine for, and after examination to grant, Certificates of Proficiency or Certificates of Honour, in such branches of knowledge as the said Senate shall from time to time by statutes made in that

that behalf determine; and on every such examination the candidate shall be examined by examiners appointed by the Senate. R. S. O. 1877, c. 210, ss. 40, 42.

Certificate of  
result of ex-  
aminations.

**38.**—(1) At the conclusion of every examination of the candidates the examiners shall declare and certify to the Registrar of the University the name of every candidate whom they have deemed to be qualified to receive any such certificate, together with such particulars as the Senate shall from time to time determine; and such person shall, if otherwise approved by the Senate and if they think fit, receive from the said Chancellor a certificate under the seal of the said University, and signed by the said Chancellor or by the Vice-Chancellor, in which the branch or branches of knowledge in respect of which he or she has been allowed by the said Senate to obtain the certificate shall be stated, together with such other particulars, if any, as the said Senate may deem fitting to be stated therein; and such reasonable fees may be charged for or in respect of such examinations and certificates of proficiency respectively, or either of them as the Senate shall, by statute in that behalf, from time to time direct. R. S. O. 1877, c. 210, s. 4.

Fees.

Diploma to be  
signed.

(2) Every graduate's or student's diploma or certificate of standing, issued by the said Senate, in addition to being signed by the proper University authorities in that behalf, shall indicate the federating University, College or Colleges in which such graduate or student was enrolled at the time of his graduation or examination and shall be signed by such Professors, Teachers and Officers of such federating University, College or Colleges, as its or their governing body or bodies may from time to time determine.

Certificate  
required.

(3) No student enrolled at any federating University or College (including University College), shall be allowed to present himself for any University examination, subsequent to matriculation, without producing a certificate, that he has complied with all the requirements of such federating University or College, affecting his admission to such examination.

Attendance.

(4) Attendance on instruction provided in any federating University or affiliated college, including University College, shall be accorded equal value as a condition of proceeding to any degree, as attendance at the University.

Power to  
make statutes.

**39.** The Senate may from time to time make and alter any statutes not being repugnant to the laws of Ontario, or to the general objects and provisions of this Act:

1. Touching the examination for Degrees, or for Scholarships, Prizes or Certificates of Honour; and

2. The granting of such Degrees, Scholarships or Certificates; and

3. The fees to be paid by candidates for examination or upon taking any degree; and

4.



4. The application of such fees ;

5. Touching the periods of the regular meetings of the Senate and the mode of convening special meetings thereof ; and

6. In general for promoting the purposes of the said University, and touching all other matters whatsoever regarding the same or the business thereof, or for any purpose for which provision may be required for carrying out this Act according to its intent and spirit in any case not herein provided for. R. S. O. 1877, c. 210, s. 44.

40. All such statutes shall be reduced to writing and the Common Seal of the University shall be affixed thereto, and when they have been approved of by the Visitor, they shall be binding upon all persons being members or officers of the University, and upon all candidates for Degrees, Scholarships, Prizes or Certificates of Honour, to be conferred by the said University, and upon all others whom it may concern. R. S. O. 1877, c. 210, s. 45.

All statutes to be in writing and sealed and approved of by the Visitor.

41. A certified copy of every such statute shall be deposited with the Provincial Secretary within ten days after the passing thereof, to be laid before the Visitor of the University for his approval ; and no such statute shall have force or effect until it is approved by the Visitor, and such approval has been signified through the said Secretary. R. S. O. 1877, c. 210, s. 46.

Copies to be deposited with Provincial Secretary.

42. By any such statute approved as aforesaid power may be given to any committee, officers or persons to make regulations for better carrying out the provisions or object of any statute of the University, in the manner and to the extent therein prescribed. R. S. O. 1877, c. 210, s. 47.

Certain powers may be delegated by statute.

43. The Senate for the time being, may, from time to time, appoint all examiners required for the purposes of this Act, and may in like manner remove them or any of them. R. S. O. 1877, c. 210, s. 48.

Officers.

44. All statutes of the Senate heretofore made under any Act of Parliament relating to the said University, and which are in force on the day this Act takes effect, shall remain in force, in so far as they are not inconsistent with this Act, until repealed or altered by the Senate. R. S. O. 1877, c. 210, s. 40.

What statutes to remain in force.

45. The Senate shall annually report to the Lieutenant-Governor, at such time as he may appoint, on the general condition and progress of the University, and may of its own motion, enquire into the conduct, teaching, and efficiency of any Professor or Teacher in said University Faculty or University College, and report to the Lieutenant-Governor the result

Senate to make certain reports to the Lieutenant-Governor. Copies to be laid before the Legislative Assembly.

result of such enquiry, with such recommendations as they may think the circumstances of the case require.

Examination  
for degrees,  
etc.

**46.** The Senate, once at least in every year, at a time or times to be fixed by statute, shall cause to be held an examination of the candidates for Degrees, Scholarships, Prizes or Certificates of Honour, as aforesaid. R. S. O. 1877, c. 210, s. 51.

Candidate to  
be examined  
by examiners.

**47.** At every such examination the candidates shall be examined by examiners appointed for the purpose by the Senate; and the candidates shall be examined orally or in writing or otherwise, in as many branches of general knowledge as the Senate consider the most fitting subjects for such examination. R. S. O. 1877, 210, s. 52.

Examiner.

**48.** No member of the Senate shall be eligible to be appointed as an examiner, and no examiner shall be eligible for re-appointment more than four years consecutively. R. S. O. 1877, c. 210, s. 53.

Special exam-  
inations for  
honours.

**49.** Special examinations may be held for honours. R. S. O. 1877, c. 210, s. 54.

Examiners to  
make a decla-  
ration of im-  
partiality.

**50.** Each examiner by acceptance of his appointment as such, shall become bound by the terms of the following declaration, and shall if required, sign the same in presence of the Chancellor, Vice-Chancellor or Registrar :

“I solemnly declare that I will perform my duty of examiner without fear, favour, affection or partiality towards any candidate, and that I will not knowingly allow to any candidate any advantage which is not equally allowed to all.”

R. S. O. 1877, c. 210, s. 55.

Examination  
to be public.

**51.** All the examinations shall be open and public. R. S. O. 1877, c. 210, s. 56.

Scholarships,  
prizes and re-  
wards.

**52.** The Senate may establish Scholarships, Prizes and rewards to persons who distinguish themselves at their examination, and such Scholarships shall be held to be University Scholarships in any of the affiliated institutions in Ontario, and the holder thereof shall have the title of “University Scholar,” except where otherwise conditioned and agreed to with the founders, or the heirs or representatives of the founders, of such scholarships; but no such scholarships, prizes or rewards shall be paid out of University funds. R. S. O. 1877, c. 210, ss. 57, 59, 60.

Affiliation of  
Colleges, etc.

**53.**—(1) The Senate may, by statute, prescribe that any College, School or other Institution established in this Province for the promotion of Literature, Science or Art, or for instruction in Law, Medicine, Mechanical Science, Engineering, Agriculture or other useful branch of education, upon the application of such College, School or other Institution, shall

be

be deemed to be affiliated with the said University for the purpose of admitting therefrom as candidates at any of the examinations for standing, or for Scholarships, Honours, Degrees and Certificates which the said Senate are authorized to confer, such persons as may have completed in such College, School or other Institution, whilst affiliated with the said University, such course of instruction preliminary to any of the said examinations.

(2) Any College, School or other Institution affiliated with the University of Toronto, under this or any former Act, may be removed from such affiliation by statute of the Senate passed in that behalf. Dissolution of affiliation.

(3) Excepting such Colleges, Schools or Institutions as are now in connection with the University under special applications heretofore made in that behalf, or as may become so, in conformity with the provisions in this section contained, and excepting University College, and Schools of Law and Medicine heretofore affiliated under section 18 of the Act passed in the 16th year of Her Majesty's reign, chaptered 89, and excepting those provided for by section 8 of this Act, no other College, School or Institution shall be deemed or taken to be affiliated for any purpose with the University. R. S. O. 1877, c. 210, s. 61. What institutions already affiliated. 16 V. c. 89, s. 18.

(4) Every incorporated theological college, now or hereafter affiliated to the University of Toronto, shall, during such affiliation, have power to confer the degrees of Licentiate in Theology, of Bachelor of Divinity, and of Doctor of Divinity, on the conditions following : Power to confer degrees.

(5) If such College now has the power to confer such Degrees in Divinity, or if hereafter the power to confer such Degrees is given to any such College by Act of this Legislature : Power to be given by Legislature.

(6) The Degrees shall be conferred under such regulations as to examination and otherwise, and by such authority as may from time to time be prescribed by the governing body of the college. Regulations as to examinations.

(7) A candidate for the Degree of Licentiate in Theology must be of second year standing in the University of Toronto, or of equivalent standing in some other university recognized for that purpose by the affiliated college. He must, in addition, have taken the First Year's Pass Examination in Oriental Literature, and the Second and Third Year's Pass Examinations in Logic and Mental and Moral Science in the University of Toronto, or equivalent examinations in some other University recognized for that purpose by the affiliated college. Degree of licentiate.

(8) A candidate for the Degree of Bachelor of Divinity, or of Doctor of Divinity, must be a graduate in Arts in the University of Toronto, or some other university recognized for that purpose by the affiliated college. Degree in divinity.



Persons not  
educated in  
affiliated  
institutions  
may be candi-  
dates for  
degrees, etc.

**54.** Persons not educated in any institution for the time being federated or affiliated with the University, may be admitted as candidates for examination for standing or for any of the Honours, Scholarships, Degrees, or Certificates authorized to be conferred by the said University, on such conditions as the Senate may from time to time determine. R. S. O. 1877, c. 210, s. 62.

Examinations  
at affiliated  
colleges.

**55.** The Senate may pass such statutes with regard to the examination of candidates at any affiliated College, School or Institution in this Province as may appear convenient, and such examinations may be conducted by sub-examiners upon papers or questions prepared by the examiners in the prescribed subjects, and may be deemed and taken as equivalent to the ordinary examinations held for any purpose at the University, and also for certificates of having undergone a satisfactory examination in any department of literature, science or art. R. S. O. 1877, c. 210, s. 63.

#### THE UNIVERSITY COUNCIL.

Constitution  
and authority  
of Council.

**56.** The University Council shall consist of a President appointed by the Lieutenant-Governor in Council, (who shall also be President of University College), and of the Professors of the University; and such Council shall have full authority and entire responsibility of discipline over all students in relation to the lectures and other instruction by the Professors, Lecturers, and other teachers of the University; and no lecturing or teaching of any kind shall be carried on in the University or in the School of Science, by any others except the duly appointed professors and teachers, without the authority of the University Council.

Control of  
societies and  
associations of  
students.

**57.** The University Council shall have entire authority and responsibility for all work carried on by the societies and associations of students of the University; provided always that all such authority and responsibility shall be limited to the conduct of the students in relation to such societies and associations as are organized in connection with the University.

Control of  
servants.

**58—(1)** The University Council shall have entire authority over all officers and servants of the University whose services are required in connection with the work of instruction; and all curators, assistants, or servants, engaged in the lecture-rooms, laboratories, or otherwise in any department of instruction shall be under the sole authority of the University Council.

**(2)** The laboratory fees to be paid by students or other persons for attending the University, or receiving instruction therein, shall be determined by the Lieutenant-Governor in Council on the report of the University Council.

**59.** The Convocation of the University shall have the Powers of Convocation.  
powers following:—

1. The power of electing its own chairman;
2. The power of electing the Chancellor and certain members of the Senate in manner hereinbefore provided;
3. The power of discussing any matter whatsoever relating to the University, and of declaring the opinion of Convocation in any such matter;
4. The power of taking into consideration all questions affecting the well-being and prosperity of the University, and of making representations from time to time on such questions to the Senate of the said University, who shall consider the same and return to Convocation their conclusions thereon;
5. The power of deciding upon the mode of conducting and registering the proceedings of Convocation;
6. The power of appointing and removing the Clerk of Convocation, and of prescribing his duties;
7. The power of requiring a fee to be paid by members of Convocation, as a condition of being placed on the register of members.
8. Convocation shall meet at such times and places as may from time to time be ordered by the Senate, or by the Executive Committee of Convocation, and notice of such meeting shall be given in such manner as said Senate, or said Executive Committee shall from time to time determine. 47 V. c. 45, s. 4.

**60.** If twenty-five or more members of Convocation shall Extraordi-  
by writing under their hands, require the Chairman for the nary meetings  
time being of Convocation to convene an extraordinary meeting of Convoca-  
of Convocation, and such requisition shall express the object of tion.  
the meeting required to be called, it shall be the duty of the  
said Chairman, within a reasonable time, to convene such  
meeting of Convocation. R. S. O. 1877, c. 210, s. 66.

**61.** No matter shall be discussed at any such extraordinary What may be  
meeting, except the matter, or matters, for the discussion discussed.  
whereof it was convened. R. S. O. 1877, c. 210, s. 67; 47 V.,  
c. 45, s. 5.

**62.** The Senate shall provide a proper place for the meet-Place of meet-  
ing of Convocation, and the proceedings of any meeting of Con- ing.  
vocation shall be transmitted to the Senate at the next follow-  
ing meeting of the Senate. R. S. O. 1877, c. 210, s. 68.

**63.**—(1) The Chairman of Convocation shall hold office Chairman of  
for three years, or until his successor is elected, and shall be Convocation.  
eligible for re-election. (2)

(2) On expiration of any term of the said office, or in case of the death or resignation of the Chairman, or any vacancy of the said office, the members of Convocation present at any meeting duly convened, or the majority, shall elect a Chairman, who, if elected, shall hold office during the period of three years, or until his successor is appointed. R. S. O. 1877, c. 210, s. 70; 44 V., c. 31, s. 3.

Absence of  
chairman.

**64.** If the Chairman is absent at the time of the meeting of Convocation, or if there is a vacancy in the office, then, before proceeding to business the members of Convocation then present, or the major part of them, shall elect a Chairman, who shall hold office during such meeting only. R. S. O. 1877, c. 210 s. 71.

Questions be-  
fore Convoca-  
tion how de-  
cided.

**65.** All questions which come before Convocation shall be decided by the majority of votes of members present, or represented thereat, in such manner as may be provided by any resolution or by-law of Convocation, and the Chairman, at any meeting thereof, shall have a vote, and in case of equality of votes, a second or casting vote. R. S. O. 1877, c. 210, s. 72; 47 V., c. 45, s. 6.

Quorum.

**66.** No question shall be decided at any meeting of Convocation, unless thirty members at least are present. R. S. O. 1877, c. 210, s. 73.

Adjourn-  
ments.

**67.** Any meeting of Convocation shall have power to adjourn to a future day. R. S. O. 1877, c. 210, s. 74.

#### UNIVERSITY COLLEGE.

College, presi-  
dent, etc., to  
continue as be-  
fore.

**68.—(1)** The collegiate institution heretofore constituted at the city of Toronto by the name of "University College" is hereby continued, and the body corporate called "The Council of University College," and the President, Professors, officers, servants, and all other existing appointments, and all statutes, by-laws, rules and regulations of such Council, are hereby continued, subject to the provisions of this Act. R. S. O. 1877, c. 209, s. 1.

(2) The Council of University College shall include all the professors of the College Faculty, and shall be known as "The Council of University College."

Lieutenant-  
Governor to  
be visitor.

**69.** The Lieutenant-Governor shall be the Visitor of the said College on behalf of the Crown, and his visitorial powers may be exercised by commission under the Great Seal, and the proceedings of any commission so appointed being confirmed by the Lieutenant-Governor, shall be binding on the said College and the Council thereof, and on all persons whomsoever. R. S. O. 1877, c. 209, s. 2.



**70.** The said College shall be under the direction, management and administration of the said body corporate called the Council of University College, and such body corporate shall have perpetual succession and a common seal, with power to hold real and personal property, subject to the provisions hereinafter made, and shall be capable of suing and being sued, pleading and being impleaded by the name aforesaid, and shall have the usual powers of corporate bodies, according to *The Interpretation Act*, subject to the said provisions. R. S. O. 1877, c. 209, s. 3.

The Council of University College to manage the College, etc.

**71.** The said Corporation shall consist of a President and such Professors as may from time to time be appointed to chairs in the said University College.

Rev. Stat., c. 1, s. 8 (24).

**72.** The Dean of Residence in University College for the time being shall be a member of the Council of the said College.

Members of the Council.

**73.** The President, or in his absence, then the senior member of the Council present, shall preside at all meetings of the said Council, and in case of an equal division of votes among the members present, the question shall be negatived and among members appointed at the same time, or on the same day, the order in which their appointments were made shall be the order of seniority; and all such meetings shall be held at the times to be prescribed by the regulations of the said Council. R. S. O. 1877, c. 209, s. 6.

Dean of University College.

Meetings of the Council.

**74.** Any five members of the said Council shall be a quorum for transacting the business of the Council and doing all things which the Council may lawfully do; and all things done at any meeting of the Council shall be ordered by the majority of votes of the members present thereat, subject to the provision hereinbefore made for the case of an equal division of votes. R. S. O. 1877, c. 209, s. 7.

Quorum.

Majority to decide.

**75.**—(1) The said Council may make regulations for the management of the property and business thereof, and for any purpose necessary for carrying this Act into effect according to its intent and spirit in cases for which no provision is made, so that such regulations be not inconsistent with this Act or the laws of this Province; and the Council may from time to time amend or repeal the same.

Council to make statutes for certain purposes.

(2) A certified copy of all such regulations shall be transmitted to the Provincial Secretary within ten days from the passing thereof, to be submitted to the Visitor for his approval, and no regulation made by the said Council shall have force and effect until it has been submitted to the said Visitor and by him approved. R. S. O. 1877, c. 209, s. 8.

Which shall be transmitted to Provincial Secretary, and approved by Lieutenant-Governor.

President,  
etc., to be ap-  
pointed by the  
Lieutenant-  
Governor.

**76.** The President, professors, lecturers, teachers, officers and servants of the said College shall be appointed by the Lieutenant-Governor, after such examination, inquiry and report as he considers necessary, and shall hold office during his pleasure; but the President may, at any time, suspend any officer or servant, any such case of suspension to be reported by him forthwith to the Visitor of the college. R. S. O. 1877, c. 209, s. 11.

Faculty of  
University  
College.

**77.** There shall be established in the said University College a teaching faculty consisting of a professor, lecturer, and fellow, in each of the following subjects, viz.: Greek, Latin, French, German and English, and a professor and lecturer in Oriental Languages and a professor of Moral Philosophy, and Ancient History shall be taught in connection with the classes of Greek and Latin, and a teaching faculty may be established in such other subjects (except Divinity) not mentioned in section 5 of this Act, as by regulation made in that behalf may be determined, subject to the approval of the Lieutenant-Governor in Council.

Fees of  
Students.

**78.** The fees to be paid by students or persons attending lectures or receiving instruction in University College shall be determined by the Lieutenant-Governor in Council on the report of the Council of University College.

Students to be  
enrolled.

**79.** All students, except in cases specially provided for by Statute of the Senate shall be enrolled in University College, or in an affiliated college, or in a federating university.

Council to re-  
port to the  
Lieut.-Gover-  
nor.

Copies to be  
laid before the  
Legislative  
Assembly.

**80.** The Council shall, at all times when thereunto required by the Lieutenant-Governor, inquire into, examine and report upon any subject or matter connected with the said University College; and copies of such annual or other reports shall be laid before the Legislative Assembly of this Province at the then next session thereof. R. S. O. 1877, c. 209, s. 19.

#### PROVISIONS APPLICABLE TO UNIVERSITY OF TORONTO AND UNIVERSITY COLLEGE.

No religious  
test, etc., to be  
required.

**81.** No religious test shall be required of any professor, lecturer, teacher, student, officer or servant of the said College or University, nor shall religious observances, according to the forms of any particular religious denomination, be imposed on them or any of them; but the University Council, and the Council of University College, may respectively make such regulations as they think expedient touching the moral conduct of the students and their attendance on public worship in their respective churches or other places of religious worship, and respecting their religious instruction by their respective ministers, according to their respective forms of religious faith, and every facility

facility shall be afforded for such purposes: provided always that attendance on such form of religious observance be not compulsory on any student attending the University or University College. R. S. O. 1877, c. 209, s. 18.

**82.** Any person, body politic or corporate, may found professorships, fellowships, lectureships, scholarships, exhibitions, prizes and other rewards in the said College or University, by providing a sufficient endowment in land or other property, and surrendering or conveying the same to the Crown for the purposes of the said College or University, and thereupon suing out letters patent from the Crown, instituting, establishing and endowing the same with the property so provided for that purpose as aforesaid. R. S. O. 1877, c. 209, s. 14.

Professorships may be founded by private parties, and how.

**83.** In such letters patent shall be set forth such rules and regulations for the appointing to and conferring of such professorships, fellowships, lectureships, scholarships, prizes or other awards as the respective founders thereof, with the approbation of the Crown, think fit to prescribe for that purpose, all which rules and regulations the authorities of the said College or University shall observe and give effect to, as in the said letters patent may be directed. R. S. O. 1877, c. 209, s. 15.

Letters patent shall set forth rules, etc.

**84.** No professorship or lectureship shall be so founded for the teaching of any subject which under this Act is not to be taught in the said College or University. R. S. O. 1877, c. 209, s. 16.

Certain professorships prohibited.

**85.** Every endowment of lands or other property of the endowment as aforesaid shall be vested in the Crown for the purposes for which it was given, and also any property, real or personal, given, devised or bequeathed to the said College or University, or for the use thereof. R. S. O. 1877, c. 209, s. 17.

Endowment to be vested in the Crown.

**86.** The University Endowment and all additions thereto shall be applied to the maintenance of the University, the University Faculty, and University College.

Application of the endowment.

**87.** The subjects assigned by sections 5 and 77 of this Act to the teaching faculties of the University and University College respectively, shall not be transferred from either of the said teaching faculties to the other, except upon the unanimous consent of the Senate, expressed at a special meeting called for the consideration of such transfer, of which at least one month's notice shall be given, nor until such consent has been concurred in by the Lieutenant-Governor in Council.

Transfer of subjects assigned to the University and to University College.

**88.—(1)** The Lieutenant-Governor in Council may make regulations respecting the retirement or superannuation of any professor, lecturer, officer or servant of the said University or University College, now employed and any gratuity or superannuation

Regulations as to superannuation of professors.



annuation allowance shall be a charge on the University endowment, and shall be paid out of the same as the Governor in Council may from time to time direct.

Regulations  
to be laid  
before Legisla-  
tive Assembly.

(2) Every such Regulation shall be laid before the Legislative Assembly forthwith if the Legislature is in session at the date of such Regulation, and if the Legislature is not in session such Regulation shall be laid before the said House within the first seven days of the session next after such Regulation is made.

(3) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the said Regulation is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such Regulation, either wholly or of any part thereof, the Regulation, so far as disapproved of, shall have no effect from the time of such resolution being passed.

Commence-  
ment of Act.

89. Section 5 and the sub-sections thereof referring to the establishment of a teaching faculty in medicine and law, and sub-sections 4, 5, 6, 7 and 8 of section 53, shall take effect on the passage of this Act, and the remaining portion of this Act shall take effect by proclamation of the Lieutenant-Governor in Council, and when so proclaimed all other Acts inconsistent herewith shall be repealed.

## SCHEDULE.

(Section 16).

### FORM OF VOTING PAPER.

*University of Toronto.*

*Election*

18 .

I,  
resident at \_\_\_\_\_ in the County of \_\_\_\_\_  
do hereby declare

(1) That the signature affixed hereto is my proper handwriting.

(2) That I vote for the following person (or persons) as Chancellor *or* as members of the Senate (*as the case may be*) of the University of Toronto, viz., \_\_\_\_\_ of \_\_\_\_\_ in the County of \_\_\_\_\_ etc., etc.

(3) That I have not in this election signed any other voting paper as a graduate in the Faculty of Arts (*or* Medicine *or* Law, *or* as Headmaster *or* Assistant of a High School, *as the case may be*).

(4) That this voting paper was executed on the day of the date hereof.

(5) That I vote in my right as Graduate of \_\_\_\_\_ University, *or* Head Master *or* Assistant Master of a High School (*as the case may be*).

Witness my hand this

day of

A.D. 18 .

R. S. O. 1877, c. 210, Sched.

CHAPTER

## CHAPTER 44.

An Act respecting the Income and Property of the University of Toronto, University College and Upper Canada College.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. All the property and effects, real and personal, of what nature and kind soever vested in the Crown when this Act takes effect, in trust for the purposes of the University of Toronto, University College and Upper Canada College, shall hereafter be deemed to be and shall be so vested for the purposes of the University of Toronto and University College, subject to the provisions of this Act and the Acts respecting the said University of Toronto and University College. Property vested in Crown.
2. The Lieutenant-Governor in Council may assign as a site for the erection of new buildings for the use of Upper Canada College a portion of the property now vested in the Crown for the purposes of the University of Toronto and University College, or may acquire by purchase such other site within ten miles of the city of Toronto, as may be suitable. Site for Upper Canada College.
3. That property in the city of Toronto forming the block of land between King, Adelaide, Simcoe and John streets, in said city, and being the present site of the said Upper Canada College, may be sold, subject to such terms and conditions and in such manner as the Lieutenant-Governor shall, by order in council, direct. Sale of present site of Upper Canada College authorized.
4. Out of the moneys, or securities arising from the property so sold, or from property heretofore vested in the Crown in trust for Upper Canada College, and which heretofore formed in part the permanent fund of said College, the sum of \$100,000 shall be set apart by the Lieutenant-Governor in Council as a permanent fund for the said institution; and a further sum not exceeding \$120,000, exclusive of the cost of a site, for the erection of suitable buildings for the use and accommodation of the said Upper Canada College, and any sum remaining unexpended after paying the purchase money of such site and erecting and equipping the buildings aforesaid shall be appropriated for the use of the University of Toronto and University College as the Lieutenant-Governor in Council may direct. Endowment fund of Upper Canada College.
5. For the purpose of erecting and equipping new buildings for the use of Upper Canada College and the University of Toronto Issue of debentures authorized.

Toronto and University College, and for the purpose of making such alterations in and additions to the present buildings of the University and University College as may be deemed expedient, the Lieutenant-Governor, by order in council, may provide for the issuing of debentures upon the credit of the permanent fund of the said University of Toronto to the amount of \$200,000, such debentures to run for such periods and at such rates of interest as shall seem proper to the said Lieutenant-Governor in Council, and the proceeds arising from the sale of such debentures shall be subject to the regulations of the Lieutenant-Governor in Council.

Gifts for  
University,  
etc., to vest in  
Crown.

**6.** All property, real and personal, hereafter given, devised or bequeathed to or for the said University of Toronto, University College or Upper Canada College shall be vested in the Crown for the purposes and support of said institutions respectively, subject to the provisions of this Act and to the terms of the gift, devise or bequest.

Management  
of property.

**7.** All the property and effects real and personal vested in the Crown as aforesaid, shall be managed and administered under the orders of the Lieutenant-Governor in Council, by an officer to be appointed by commission under the great seal of this Province, to hold his office during pleasure and to be called the Bursar of the University and Colleges of Toronto. R. S. O. c. 211, s. 1.

Bursar's sal-  
ary.

**8.** The salary of the said Bursar shall be such amount as may be appropriated by the Legislature, and the said Bursar shall be allowed by the Lieutenant-Governor in Council such assistance in his office as may be found necessary. R. S. O. 1877, c. 211, s. 2; 41 V. c. 2, s. 39, and Sched. B.

Bursar to have  
a seal, etc.

**9.** The said Bursar shall have a seal of office, and shall have such powers as may from time to time be assigned to him by the Lieutenant-Governor in Council, for the management and administration of the said property for the leasing or sale of the same, or any portion thereof, including the present site of Upper Canada College, for the receiving of the rents, issues and profits thereof or the proceeds of the sale of any part thereof, or of any moneys in any way arising therefrom, and he shall account for and pay over the same in such manner as the Lieutenant-Governor from time to time directs. R. S. O. 1877, c. 211, s. 3.

Bursar to give  
security to the  
Crown.

**10.** The Bursar shall give security to the Crown for the due performance of his duties and the faithful accounting for and paying over all moneys which come into his hands as such Bursar, in such amount, with such securities, and in such manner and form as the Lieutenant-Governor in Council may direct. R. S. O. 1877, c. 211, s. 4.



**11.** The said Bursar shall, as regards his obligation to account for and pay over the moneys which come into his hands as Bursar, be deemed to be an officer employed in the collection of the Provincial Revenue, and shall in case of his default, be liable to be dealt with accordingly. R. S. O. 1877, c. 211, s. 5.

Responsibility  
of the Bursar.

**12.**—(1) At such time in each year as the Lieutenant-Governor may appoint, the said Bursar shall make and transmit to him an annual account of the property under the Bursar's management and of his official receipts and expenditure; and a copy of such account shall be laid before the Legislative Assembly at the next Session thereof.

To transmit  
annual ac-  
counts to the  
Lieut.-Gover-  
nor to be laid  
before the  
Legislative  
Assembly.

(2) Every such annual account shall shew, among other things—

What such  
accounts must  
shew.

(a) The total investments in the Permanent Fund herein-after mentioned, and the annual income therefrom.

(b) The amount received each year from fees, interest, donations or other sources, and a detailed account of the amount expended in salaries, contingent expenses and buildings, specifying the duties of the persons receiving such salaries, and the purposes of such buildings. R. S. O. 1877, c. 211, s. 6.

The assets of,  
etc.

#### DEEDS OF CONVEYANCE.

**13.** In order to facilitate the transfer and conveyance of the property so as aforesaid vested in Her Majesty, the Lieutenant-Governor may from time to time issue a Commission, under the Great Seal, to the Bursar of the University and Colleges at Toronto, authorizing the said Bursar, under his hand and seal of office, to transfer and convey any of such property to purchasers and others entitled to receive conveyances thereof; and all such transfers and conveyances may be made according to the form of the schedule to this Act, or in words to the like effect; and the same shall to all intents and purposes grant, transfer and convey the lands therein set forth, to the parties therein specified, according to the quality of the estate and the conditions and provisions therein mentioned, in the same manner and with the like effect as if the same had been directly granted by the Crown under the provisions of this Act; but nothing herein contained shall prevent the Crown from granting such lands directly. R. S. O. 1877, c. 211, s. 7.

Provision for  
facilitating  
the transfer of  
property sold.

**14.** All such transfers and conveyances shall be registered in the registry office of the registry division in which the lands are situate, in like manner and subject to the same provisions of law as conveyances from and to private parties. R. S. O. 1877, c. 211, s. 8.

Transfers to be  
registered, etc.

**15.**—(1) When under any order of the Lieutenant-Governor in Council any part of the endowment of the University

Investments  
to be taken in  
the name of  
of Bursar.

of Toronto, University College, or Upper Canada College is authorized to be invested on the security of freehold lands in this Province, the mortgages or other instruments representing such investments may be made to and taken in the name of the Bursar of the University and Colleges at Toronto in his official character as such, and his successors in office, and the said Bursar and his successors shall have and possess such powers with respect to taking and holding such securities and releasing, discharging or assigning the same under his seal of office as Bursar as from time to time may be assigned to him by any order of the Lieutenant-Governor in Council, under and subject to such regulations, terms and conditions as may be prescribed in such order.

(2) Each and every mortgage security heretofore taken, and in which any part of the property or endowment of the University of Toronto, University College, or Upper Canada College, respectively, is invested, is hereby granted to and vested in the said Bursar and his successors in office, under and subject to the provisions of this Act. 44 V. c. 31, s. 6.

#### GENERAL INCOME FUND.

General Income Fund constituted.

**16.** The fees received for tuition, examination, degrees, certificates of honour or otherwise, in the said University of Toronto, in University College, and in the said Upper Canada College, the rents, issues and profits of all such property as aforesaid, and all the interest on the purchase money of any part of such property sold and not wholly paid for, or on moneys arising from the sale of any such property and invested at interest and all other casual and periodical incomings, including any donations or subscriptions touching which it has not been otherwise ordered by the donors, shall be deemed income for the purposes of this Act, and shall form the General Income Fund, and may be expended for the purposes and under the authority of this Act. R. S. O. 1877, c. 211, s. 9.

Permanent Fund.

**17.** The purchase money of any such property sold and the principal of any money invested, shall be deemed permanent property, and shall not (except only in the case herein provided for) be expended or diminished in any way, but shall remain as a permanent fund for the support of the said institutions and the purposes of this Act. R. S. O. 1877, c. 211, s. 10.

Income Fund of U. C. College.

**18.** That part of the said Income Fund which is derived from the sum of \$100,000 to be set apart under the provisions of this Act as a Permanent Fund for the support of Upper Canada College or from property given, devised or bequeathed for the use of Upper Canada College or from fees received from the said College and payable into the general funds thereof, shall, subject to the terms of the gifts, devises or bequests, be applied, under

under the direction of the Lieutenant-Governor in Council, to defray the current expenses of the said Upper Canada College, and any balance remaining unexpended in any year shall be added to the Permanent Fund of the said College, or otherwise applied as the Lieutenant-Governor in Council may direct.

**19.** The Lieutenant-Governor in Council may appropriate yearly the sum required to defray the current expenses of the said University of Toronto, and University College ; including in both cases the care, maintenance and ordinary repairs of the property assigned for the use of the said University and College, or Upper Canada College and with power to the Lieutenant-Governor in Council to decide what shall be deemed ordinary repairs as distinguished from permanent improvements. University income fund and charges payable out of it. R. S. O. 1877, c. 211, s. 12.

**20.** In making such appropriations for the current expenses of the said University, or of University College, the Lieutenant-Governor in Council may either direct the particular purposes to which the whole or any part of the sum appropriated shall be applied, or place the whole or any part of such sum at the disposal of the Senate of the said University or of the Council of the said College, to be applied under the provisions of Statutes in that behalf, approved as aforesaid. In what manner appropriations out of the said funds may be made. R. S. O. 1877, c. 211, s. 13.

**21.** By such Statutes the said Senate or Council may place any sums at the disposal of any committee, or persons, to be applied by them according to the directions of such Statutes, or in their discretion, to purposes to be therein named. Sums may be placed at disposal of a committee by statutes of the Council. R. S. O. 1877, c. 211, s. 14.

**22.** Any surplus of the said University Income Fund remaining at the end of any year after defraying the expenses payable out of the same, shall be treated as permanent property. Surplus how to be appropriated. R. S. O. c. 211, s. 15.

**23.** The expenses of the Bursar's office and the management of the property aforesaid shall be paid out of the said General Income Fund hereinbefore mentioned, and shall be the first charge thereon. Expenses of Bursar's office how paid. R. S. O. c. 211, s. 16.

**24.** The Lieutenant-Governor in Council shall from time to time assign for the use and purposes of the said University, of the said University College, and of the said Upper Canada College, respectively, such portions of the property vested in the Crown as aforesaid, as may be necessary for the convenient accommodation and business of the said Institutions respectively ; and the property so assigned for the use of each shall be deemed to be in the legal possession and under the control of the Senate or Council of such Institution. Portions of property to be assigned for use of the said institutions. R. S. O. c. 211, s. 17.



## IMPROVEMENT OF BUILDINGS.

Lieutenant-Governor in Council may authorize improvements.

**25.** Besides the building for which provision is made in section 5, the Lieutenant-Governor in Council may from time to time authorize such permanent improvements or additions to the buildings on the said property as may be necessary for the purposes of the said institutions respectively, and may direct the cost thereof to be paid out of that part of the Permanent Fund aforesaid hereby made applicable to the support of the institution for the purposes of which the improvement or addition is made; provided, however, that every Order in Council directing payment from the said Permanent Fund, under this section, shall, as soon as conveniently may be after the making of the same, be laid before the Legislative Assembly of the Province of Ontario for its ratification or rejection, and no such order shall be operative unless and until the same has been ratified by a resolution of the Legislative Assembly. R. S. O. 1877, c. 211, s. 18; 42 V. c. 35, s. 1.

Fiscal year.

**26.** For all the purposes of this Act, and of all accounts to be kept and payments or expenditure to be made under it, the fiscal year shall coincide with the calendar year. R. S. O. 1877, c. 211, s. 19.

## THE QUEEN'S PARK.

Lease to city of Toronto of land for a park.

**27.** Whereas the Bursar of the University of Toronto was by section 66 of chapter 62 of the Consolidated Statutes for Upper Canada authorized to demise at a nominal rent, for a period of nine hundred and ninety-nine years, to the corporation of the city of Toronto, in trust for the purposes of a park, as well for the use of the professors, students and other members of the University, as of the public generally, and for no other purpose whatsoever, so much of the land vested in Her Majesty as aforesaid, situate within or adjacent to the limits of the said city, as the said Chancellor, Vice-Chancellor and members of the Senate of the said University might, by by-law approved of by the Governor in Council, set apart for such purposes, not exceeding in the whole fifty acres, and upon such terms and conditions as had been or might after the said Act took effect, be agreed upon between the said University and the council of the said corporation; and, whereas in pursuance of such powers, the said Bursar made such lease as aforesaid, therefore it is enacted that, so long as the said lease remains in force, the land so demised shall be deemed to be and shall be taken to form a part of the said city of Toronto; and the residue of the lands so vested in Her Majesty as aforesaid, adjacent to the said park, shall be subject to all the police regulations of the said city of Toronto, and to all by-laws of the said city in that behalf. R. S. O. 1877, c. 211, s. 20.

Lands so leased, to be part of the City, and residue of the University lands adjacent to be subject to its police regulations and by-laws.

28. A certain agreement entered into by the Minister of Education granting to Victoria University a site on the land of the said University of Toronto, as set forth in a certain instrument bearing date the——day of——, 1886, and sealed with the seal of the said Victoria University, and signed by the chairman of the Board of Regents thereof, is hereby approved, and the Minister of Education is authorized to execute the same on behalf of the Province.

29. This Act shall take effect by proclamation thereof in the *Ontario Gazette*, and thereupon all other Acts respecting the Endowment of the University of Toronto and Upper Canada College shall be repealed.

## SCHEDULE.

(Section 13.)

### FORM OF CONVEYANCE.

To all to whom these presents shall come :

Whereas *A. B.*, of \_\_\_\_\_ is entitled to receive a conveyance of the lands hereinafter mentioned, which lands are part of certain property vested in Her Majesty, in trust for the purposes set forth in R. S. O. cap \_\_\_\_\_ ; And whereas, under the provisions of the said Statute, *C. D.*, of \_\_\_\_\_, the Bursar of the said University and Colleges at Toronto, has been authorized by a Commission under the Great Seal of this Province to transfer and convey any of the property aforesaid to purchasers and others entitled to receive conveyances thereof : Now these presents witness that the said *C. D.*, as such Bursar, under and by virtue of the said Commission and the Statute in that behalf, and in consideration of the sum of \_\_\_\_\_ paid therefor by the said *A. B.*, hereby grants, transfers and conveys to the said *A. B.*, his heirs and assigns for ever (*or as the case may be*), all that certain parcel or tract of land, being lot, etc., (*as the case may be*), which said land is bounded or may be known as follows, etc. (*describe the land by its boundaries, and insert any reservations, conditions or provisos*). In witness whereof the said *C. D.*, as Bursar aforesaid, has hereunto set his hand and affixed the seal of his office, this day, etc.

Signed, sealed and delivered } *C. D.*,  
in presence of } *Bursar*, [L.S.]

R. S. O. 1877, c. 211, Sched.

## CHAPTER 45.

An Act for the Protection of Women in  
Certain Cases.

[Assented to 23rd April, 1887.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Protection of  
persons con-  
fined in  
asylums.

1. No person shall at any time or place within the precincts of any institution to which *The Prison and Asylum Inspection Act* applies, unlawfully and carnally know any female who is capable in law of giving her consent to such carnal knowledge while she is a patient or is confined in such institution.

Penalty.

2. Whosoever violates section 1 of this Act is guilty of an offence, and shall be liable to be imprisoned in any gaol or place of confinement, other than the Penitentiary, for any term less than two years, with or without hard labour.

Accused a  
competent  
witness.

3. The person charged shall be a competent witness in his own behalf.

Civil remedy  
not affected.

4. Nothing in this Act contained nor any conviction obtained in pursuance thereof shall deprive any person of the right to maintain an action for damages against the person so charged.

## CHAPTER 46.

An Act respecting certain lands mortgaged by John  
D. Ronald, to the Corporation of the Village of  
Brussels.

[Assented to 23rd April, 1887.]

Preamble.

WHEREAS the corporation of the village of Brussels have, by their petition, represented that in the month of September, 1878, they did, for the purpose of promoting manufactures in the said village, pass a by-law granting a bonus of \$20,000 to one John D. Ronald, to aid him in establishing, at that place, a manufactory of steam fire engines and agricultural implements, and providing for the issue of debentures therefor, subject to the conditions, *inter alia*, that the said  
John



John D. Ronald should, before receiving any part of said debentures, execute and deliver to the reeve of the said municipality a mortgage upon certain premises, securing the due performance on his part of the conditions of the said by-law, and a bond of himself personally for the further sum of \$10,000, conditioned to be void on performance of the said conditions, and it further appearing by the said petition that the said John D. Ronald, in pursuance of the conditions of the said by-law, executed an indenture of mortgage, dated the twenty-seventh day of January, 1879, in favour of the said corporation of the said village of Brussels, upon certain lands and premises therein described as being composed of park lot lettered "C" in the village of Brussels, containing by admeasurement one acre and fifty-nine one-hundredths of an acre, more or less, and also lot number four hundred and seventeen, on Queen Street, in the said village, containing by admeasurement one quarter of an acre of land, more or less, and did on said date, execute and deliver his bond to the said corporation for the penal sum of \$10,000, conditioned to be void on the same terms as the said mortgage, and it also appearing that the said corporation, charging and alleging that the said John D. Ronald had not complied with the terms and conditions of the said mortgage and bond, but had made default therein, filed their bill of complaint against the said John D. Ronald in Her Majesty's then Court of Chancery for Ontario, praying to have the equity of redemption of the said John D. Ronald and his wife one Laura G. Ronald in the said lands foreclosed, and the sum of \$10,000, mentioned in said bond, paid, by reason of such alleged default, and that such proceedings were had in the said suit as resulted in a judgment by the Honourable Mr. Justice Proudfoot, dated the eighteenth day of May, 1882, which judgment was affirmed by the Court of Appeal for Ontario; and it further appearing by said petition that the said corporation of the village of Brussels and the said John D. Ronald have mutually agreed to a settlement of the said suit, the said corporation agreeing to release and reconvey the said lands and premises to the said John D. Ronald, freed and discharged from the said mortgage, and to release and discharge him from the said bond, and from all claims and demands thereon, and the said John D. Ronald agreeing to pay to the said corporation the sum of \$1,100, and release and discharge them from all claims and demands for costs in said suit or otherwise howsoever; and it further appearing that a deed dated the eleventh day of October, 1886, made between the said corporation of the first part and the said John D. Ronald of the second part, has been executed, and doubts have been expressed as to the validity of such settlement and deed; and it further appearing that the municipal council of the said village unanimously approved of such settlement, and of the execution of such deed, and have prayed that the said settlement and deed may be confirmed and declared legal and valid, and whereas it is expedient to grant the prayer of said petition;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Deed of Oct.  
11th, 1886,  
confirmed.

1. The said deed dated the eleventh day of October, 1886, whereby the said parties thereto purported to settle such litigation, and whereby the said corporation purported to grant, release and reconvey to the said John D. Ronald, his heirs and assigns, the said lands and premises freed and discharged from all claims under and in respect of the said mortgage, is hereby ratified and confirmed, and declared to be legal and valid to all intents and purposes.

## CHAPTER 47.

### An Act to consolidate the Floating Debt of the Township of Colchester North.

*[Assented to 23rd April, 1887.]*

Preamble.

**W**HEREAS the corporation of the township of Colchester North by their petition have represented that they have incurred debts and liabilities to a larger extent than has been provided for by the annual rates levied from year to year, by reason of a large amount of unforeseen expenditure, required to defray the expenses of drainage and other public works in the said township, and costs and expenses incidental to and caused by such drainage and other works, and the said debts and liabilities amount to \$8,500, and the annual revenue to be raised by taxation in order to meet the accruing debentures and payment of the current expenses, and the said debt of \$8,500 will be insufficient without exceeding the limit authorized by law, and will be oppressive to the ratepayers, and have prayed that the floating debt of the said township amounting to \$8,500 as aforesaid may be consolidated, and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Issue of debentures for \$8,500 authorized.

1. The said floating debt of the corporation of the township of Colchester North is hereby consolidated at the sum of \$8,500 and it shall and may be lawful to and for the said corporation of the township of Colchester North, to raise by way of loan upon the credit of the debentures hereinafter mentioned and by this Act authorized to be issued from any person or persons body or bodies corporate either in this Province, in Great Britain, or elsewhere, who may be willing to lend the same,

su

sum of money not exceeding \$8,500 of lawful money of Canada, and the principal sum secured by the said debentures and the interest accruing thereon may be made payable, either in this Province or in Great Britain, or elsewhere, as the said council shall deem expedient, and may be either in currency or sterling money.

2. The said corporation may pass a by-law authorizing the issue of debentures under the corporate seal signed by the reeve and countersigned by the treasurer of the said corporation for the time being, for such sums not exceeding \$8,500 in the whole, as the council of the said township may direct, bearing interest at a rate not to exceed five per centum per annum payable yearly. Authority to pass by-law for issue of debentures.

3. The funds derived from the negotiation of the said debentures shall be applied by the said council to the payment of the said outstanding floating debts and liabilities, and to and for no other purpose whatever. Application of funds.

4. The debentures to be issued as aforesaid, shall be payable within twenty years from the date thereof, the principal of such debt shall be repayable by annual instalments, such instalments to be of such amounts that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to what is payable for principal and interest during each of the other years of the period within which the debt is to be discharged. Form of debentures.

5. For payment of the debentures to be issued under this Act the municipal council of the said corporation shall impose a special rate per annum, which shall be sufficient to pay the interest on the said debentures and the instalment of principal payable from year to year. Special rate.

6. No irregularity in the form of the said debentures or of the by-law authorizing the issuing thereof shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest or any or either of them or any part thereof. Irregularities in debentures or by-law not to render them invalid.

7. It shall not be necessary to obtain the assent of the electors of the said township to the passing of the said by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*, or amending Acts. Assent of electors not required.

8. The said debentures may be in the form contained in the schedule to this Act, or as near thereto as the corporation may find convenient, according to the places where and the money in which the same are made payable. Form of debentures.

## SCHEDULE



## SCHEDULE.

CONSOLIDATED LOAN DEBENTURE, No.      \$  
 PROVINCE OF ONTARIO, TOWNSHIP OF COLCHESTER NORTH.

Under and by virtue of the Act passed in the fiftieth year of the reign of Her Majesty Queen Victoria and chaptered and by virtue of by-law No.      of the corporation of the township of Colchester North, passed under the powers contained in the said Act,

The corporation of the township of Colchester North promises to pay the bearer at      in the sum of      on the day of      A.D.,      and the yearly coupons hereto attached, as the same shall severally become due.

Dated at Gesto, in the township of Colchester North, in the county of Essex, this      day of      A.D., 188      .

[L. S.]

Reeve.  
 Treasurer.

## CHAPTER 48.

An Act to remove doubts as to the location of certain Park Lots adjoining the Township of Derby and the Town of Owen Sound.

*[Assented to 23rd April, 1887.]*

Preamble.

WHEREAS the corporations of the town of Owen Sound and of the townships of Derby and Keppel, respectively, in the county of Grey, have by their petition represented that doubts have arisen and now exist as to whether park lots numbers 1 to 10, both inclusive, in or lying east of the half-mile strip in the said township of Derby, form part of the township of Derby or of the township of Keppel, and as to whether park lots lettered B, M, A and K, in or lying east of the said half-mile strip, form part of the town of Owen Sound, or of the township of Keppel; and whereas the proclamation of His Honour the then Lieutenant-Governor of this Province, dated 14th July, 1869, published in the *Gazette* of the 17th July, 1869, purported to annex the said park lots numbers 1 to 10 inclusive, therein described as—"All that block or parcel of land situate in the county of Grey, and lying within the following limits, that is to say, commencing at the north-east angle of lot number eighteen in the third concession of the township of Derby; thence on a course north nine degrees west      forty

forty chains more or less to the southern limit of the allowance for road running along the southern boundary of the town plot of Brooke, and of the townships of Sarawak and Keppel; thence south seventy-six degrees fifteen minutes west, along the southern limit of the said allowance for road to a point where the said southern limit of said allowance for road would be intersected by the easterly limit of the allowance for road between the fourth and fifth concessions of Derby, produced northerly; thence south nine degrees east along the eastern limit of said last mentioned allowance for road, produced northerly forty chains more or less to the north-west angle of lot number seventeen in the fourth concession of the said township of Derby; thence easterly along the northerly limits of lots seventeen in the fourth concession, and eighteen in the third concession, to the place of beginning"; and the same have always been considered and treated as part of the township of Derby, and the said park lots lettered B, M, A and K have always been considered and treated as part of the town of Owen Sound, as having been included within the limits thereof as defined in the Act of incorporation thereof, passed in the 19th year of Her Majesty's reign, chapter 18; and whereas the said corporation have, by their said petition, prayed that such doubts may be removed, and that the said park lots 1 to 10 inclusive, may be annexed to the township of Derby, and that the said park lots lettered B, M, A and K may be annexed to the town of Owen Sound; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Park lots numbers 1 to 10, both inclusive, in or lying east of the half-mile strip in the township of Derby, in the county of Grey, shall be annexed to and form part of the said township of Derby, and be considered for all purposes as having been annexed to and as having formed part of the said township of Derby, on and since the 14th day of July, 1869.

Park lots 1 to 10 annexed to township of Derby.

2. Park lots lettered B, M, A and K in or lying east of the said half-mile strip, shall be annexed to and form part of the town of Owen Sound, and be considered for all purposes as having been annexed to and as having formed part of the said town from the incorporation thereof.

Park lots B, M, A and K annexed to town of Owen Sound.

3. Nothing in this Act contained shall affect any action or other proceeding at law now pending.

Pending proceedings not affected.

## CHAPTER 49.

An Act to legalize and confirm an agreement entered into by and between the Municipality of Dysart and the Canadian Land and Emigration Company (Limited).

*[Assented to 23rd April, 1887.]*

Preamble.

WHEREAS for some time past differences and disagreements have existed between the municipality of Dysart and the Canadian Land and Emigration Company (Limited), regarding the assessment of the real and personal property of the said company in the townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Havelock, Bruton, Eyre, and Clyde, forming the united municipality of Dysart ; and whereas both the said municipality and the said company became involved in heavy and costly litigation arising out of the differences between them in connection with the said assessment of the said company's aforesaid property ; and whereas, after much cost and expense had been incurred by both parties, in connection with the said litigation, the assessed value of the company's property was, after a protracted trial before the Judge of the County Court of the county of Victoria, on an appeal to him from the Court of Revision of the municipality of Dysart, fixed on the thirty-first day of July, A. D., 1885, at the sum of \$73,920, and thereupon the municipality and the company entered into an agreement for the settlement of the said litigation, and to regulate the assessment of the company's property for the future, with the view of avoiding further litigation and expense ; and whereas it was agreed between the company and the said municipality that the said agreement of the thirty-first day of July, A. D., 1885, a copy of which is set out in the schedule hereto, should be confirmed by an Act of this Legislature ; and whereas the said company and the said municipality have bound themselves to seek confirmation of the said agreement from this Legislature, and it is in the interest of both parties that further litigation should cease, and whereas the said parties have, by their petition, prayed for an Act accordingly, and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Agreement confirmed.

1. The said agreement entered into by and between the municipality of Dysart and the Canadian Land and Emigration Company (Limited), and which is set out in the schedule to this Act, is hereby legalized and confirmed.



## SCHEDULE.

The Municipality of Dysart and The Canadian Land and Emigration Company agree as follows:—

That the suit now pending in the Chancery Division of the High Court of Justice of the Province of Ontario, between the Canadian Land and Emigration Company and the Municipality of Dysart, James Dover, *et al*, be settled on the following terms:

The assessment of the property, real and personal, of the company and its lessees, other than those of property now assessed to lessees for the next ten years to be fixed at fifteen twenty-ninths of the total assessment of the real and personal property in the townships of Dysart, Dudley, Harcourt, Guilford, Harburn, Bruton, Havelock, Eyre, and Clyde; the real and personal property of the settlers in the said townships, during the next ten years, to be assessed at fourteen twenty-ninths of the total assessment of all the real and personal property in the said townships; upon the sale or leasing by the company of any of its property the amount of the company's assessment to be reduced by the assessable value of the property so sold or leased.

The costs of the company and the municipality and the members of the Court of Revision, as between solicitor and client, of the action and appeals, and of these proceedings and appeal to Judge Dean, to be paid by the municipality, such costs, however, not to exceed \$3,000 in all.

The company to pay to the Municipality of Dysart \$2,000, by way of bonus, to help the municipality to meet the moneys due by the municipality on the railway bonus for the year 1884.

The company to take out of court the moneys now lying in the Chancery Division of the High Court of Justice for the Province of Ontario, in the said suit of the Canadian Land and Emigration Company *v.* Dysart, James Dover, *et al*; the municipality and the other defendants in the said suit to give all necessary consents, to enable the plaintiffs to get out of court all moneys paid in by them to the credit of the cause, whether the same be on account of taxes alleged to have been due to the municipality for the year 1884, or for costs awarded to defendants, or as security for the plaintiffs' appeal to the Court of Appeal for Ontario, or as security for the plaintiffs' appeal to the Supreme Court of Canada; and on such moneys being paid out to the plaintiffs, the plaintiffs forthwith to pay over to the Municipality of Dysart the said bonus of \$2,000, and also a sufficient amount to make up, with the moneys already paid by the plaintiffs on their assessment for the year 1884, fifteen twenty-ninths of all the taxation levied by the municipality in that year; it being understood and agreed that the assessment of the company and the settlers, for the year  
1884.

1884, shall be considered to have been on the same proportions as it is hereby agreed for the subsequent ten years; and upon payment by the company to the municipality of the said bonus of \$2,000 the said municipality to give to the company a receipt in full for their taxes for the year 1884; the municipality to include in their levy for the year 1885 a sufficient sum to meet the liabilities of the municipality for the year 1884, which will still be outstanding after the municipality has applied the sum of \$2,000, given them by the company, towards liquidating the railway bonus debt; the municipality to strike a sufficient rate to raise the same in the present year; the moneys paid over by the municipality to the company, to make up fifteen twenty-ninths of the taxation of the year 1884, to be considered an advance by the company to the municipality on their taxes for the year 1885, including the taxes levied to pay the balance of liabilities due by the municipality for the year 1884; and the company to get credit from the municipality and its collectors on the taxes for the year 1885, for such advances.

In the event of this agreement not being carried out in its integrity by the municipality, and the company's assessment not being retained at fifteen twenty-ninths of the whole of the assessable property in the said townships, in manner aforesaid, then the municipality to repay to the company the said bonus of \$2,000, together with interest thereon at the rate of six per cent. per annum from the date of its payment to the municipality.

It is further agreed that this agreement is to be confirmed, if possible, by an Act of the Legislature of the Province of Ontario, the costs of obtaining such Act to be paid by the municipality.

In witness whereof the said Municipal Corporation of Dysart have hereunto set their corporate seal, and the said Canadian Land and Emigration Company, the hands of their commissioners, and their corporate seal, this thirty-first day of July, one thousand eight hundred and eighty-five.

In the presence of

F. D. MOORE.

JAMES DOVER, [L.S.]

*Reeve.*

JAMES M. IRWIN

W. H. LOCKHART GORDON, [L.S.]

*Commissioners.*

## CHAPTER 50.

An Act respecting a certain Railway Debenture Debt  
of the Township of Eldon.

[Assented to 23rd April, 1887.]

WHEREAS the corporation of the township of Eldon, under Preamble, their by-law passed on the thirty-first day of December, 1869, incurred a debenture debt of \$44,000 in aid of the Toronto and Nipissing Railway Company, maturing on the first day of July, 1889, and by reason of the financial condition of the said corporation, the sum of \$13,000 only has been provided in the meantime to meet the said debt, which said sum, together with the further sum of \$11,000, to be provided on account of said debt before the said first day of July, 1889, will still leave a deficiency of \$20,000; and whereas the said corporation by their petition have prayed that an Act may be passed to empower them to pass a by-law to borrow on new debentures of the said corporation the said sum of \$20,000, payable with interest thereon in twenty years at furthest from the said first day of July, 1889, in manner hereinafter provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the township of Eldon for the purpose of retiring and paying off the \$20,000 mentioned in the preamble to this Act, may pass a by-law authorizing the issue of new debentures of the said corporation for the said sum of \$20,000, and for the payment of interest thereon, payable in twenty years at furthest from the said first day of July, 1889, either in equal annual payments, in such way that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be to what is payable for principal and interest, during each of the other years of such period as provided by section 344 of *The Consolidated Municipal Act, 1883*: or by special rate providing for the annual interest and a further sum annually as a sinking fund, according to the provisions of section 342 of the said Act: provided always that such by-law shall in all respects conform to and comply with the provisions of the said *Consolidated Municipal Act*, and the general municipal law in force in this Province, except that it shall not be necessary to obtain the assent of the electors of the said township of Eldon to the passing of such by-law; and provided further that the said new debentures and all moneys arising therefrom shall, to the full extent thereof, be applied only to paying off the said sum of \$20,000 and interest required for the above recited purpose.

Issue of new  
debentures for  
\$20,000 author-  
ized.

Proviso.

Proviso.



## CHAPTER 51.

## An Act to provide for the Division of the Township of Gosfield.

[Assented to 23rd April, 1887.]

Preamble.

WHEREAS certain inhabitants and ratepayers of the township of Gosfield, in the county of Essex, have, by their petition, represented that it is expedient to separate the said township of Gosfield, into two distinct municipalities, inasmuch as such division of the said township will greatly promote the welfare and convenience of its inhabitants; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Township of  
Gosfield  
North.

1. Upon, from and after the said last Monday in December, 1887, the inhabitants of all that portion of the said township of Gosfield, which lies north of the centre of the allowance for road between the fifth and sixth concessions, and north-westerly of the centre of the allowance for road between lots numbers two hundred and sixty-three and two hundred and sixty-four, north and south of the Talbot Road, in the said township of Gosfield, shall constitute a separate township or corporation under the name of the corporation of the township of Gosfield North, and the said territory shall thereafter be deemed to be such separate municipality for all municipal, school and other purposes whatsoever, in the same manner to all intents and purposes as, and such municipality and township corporation hereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to, other townships in the Province of Ontario.

Township of  
Gosfield  
South.

2. Upon, from and after the last Monday in December, 1887, the inhabitants of all that portion of the said township of Gosfield, which lies south of the centre of the allowance for road between the fifth and sixth concessions, and south-easterly of the centre of the allowance for road between lots numbers two hundred and sixty-three and two hundred and sixty-four, north and south of the Talbot Road, in the said township of Gosfield shall constitute a separate township or corporation, under the name of the corporation of the township of Gosfield South, and the said territory shall thereafter be deemed to be such separate municipality for all municipal, school and other purposes whatsoever, in the same manner to all intents and purposes as, and such municipality and township corporation hereby created shall enjoy all the rights and privileges and be subject to all the liabilities appertaining to, other townships in the Province of Ontario.

3.

3. All and every the assets and debts of the present municipality of Gosfield shall be divided between the said respective municipalities of Gosfield North, on the one hand, and Gosfield South, on the other, in the same manner and by the same proceedings as nearly as may be as in the case of a separation of a junior township from a senior township, and so soon as the said debts shall have been divided as aforesaid, each of the said municipalities shall be bound to the re-payment of the share of the said debts which shall have been so assigned to it as aforesaid, as though such share of the said debts had been incurred by such municipalities respectively; each of the townships hereby created remaining, however, liable as surety in respect of the share (if any) of the said debts which it is not its duty primarily to pay.

Division of  
assets.

4. The first nomination for the election of municipal councillors for the said townships shall take place on the said last Monday of December, in the year 1887, and the polling (if any) at such election shall take place on the first Monday in January next thereafter; and the place for holding such nomination for the township of Gosfield North shall be where the last annual nomination of councillors for the township of Gosfield was holden, and the returning officer at such election shall be the township clerk of the present township of Gosfield; and the place for holding the nomination for the township of Gosfield South shall be at the Town Hall in the village of Kingsville, and the clerk, for the time being, of the Third Division Court of the county of Essex, shall be the returning officer for the election in said township; and the township council of the present township of Gosfield, shall divide the said townships of Gosfield North and Gosfield South into polling sub-divisions, and appoint deputy returning officers therefor, for the first election to be holden therein, as provided by the *Voters' Lists' Act*, and *The Consolidated Municipal Act, 1883*. The provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto, having reference to the case of the separation of a junior from a senior township, shall apply to the townships hereby formed, as if such townships had been a union of townships, except where it is otherwise herein specifically provided; and for the purpose of applying such provisions, the said township of Gosfield North shall be deemed to have been the senior township, and the said township of Gosfield South shall be deemed to have been the junior township; and the corporation of the township of Gosfield North shall be deemed to be a continuation of the said corporation of the township of Gosfield.

Election of  
council.

5. The clerk of the said township of Gosfield shall furnish to the returning officer of the township of Gosfield South before the said election, a copy of the assessment roll of the township of Gosfield for the year 1887, so far as the same contains the ratable property assessed and the names of the owners, tenants

Township  
clerk to  
furnish return-  
ing officer  
of Gosfield  
South with  
copy of assess-  
ment roll.  
and

and occupants thereof within that part of the said township which is hereby constituted the township of Gosfield South.

By-law to aid the Lake Erie, Essex and Detroit River R'y Co'y., to be submitted to electors in part of township constituting Gosfield South.

6. Immediately after the final passage of this Act it shall be the duty of the municipal council of the present township of Gosfield to submit to the duly qualified electors of that portion of the present township which is hereafter to be known as Gosfield South, a by-law granting a bonus to the Lake Erie, Essex and Detroit River Railway Company, in accordance with the terms of any petition presented to the said municipal council, by the ratepayers and freeholders of that portion of the said township of Gosfield hereafter to be known as Gosfield South; and, provided the said by-law receives the assent of the electors of Gosfield South, in accordance with the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto, it shall be the duty of the municipal council of the township of Gosfield to finally pass the said by-law, and of the reeve and council and the township clerk of the present township of Gosfield to carry out all the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto, relating to the publication and promulgation of the said by-law, and the registration of the same, if carried, and the publication of all notices relating to the said by-law; and the said *Consolidated Municipal Act, 1883*, and amendments thereto, shall apply to the said by-law in a like manner as to all other by-laws of a similar character; and the reeve and council and the township clerk of the present township of Gosfield are hereby empowered and required to carry out all the provisions of the said by-law just as if the same were submitted to the said township of Gosfield, but the debenture debt hereby created shall not affect the township hereafter to be known as Gosfield North, but shall be binding only upon the township hereafter to be known as Gosfield South; and for the purpose of submitting and carrying out the provisions of the said by-law and enabling the reeve and municipal council and clerk of the said township of Gosfield to comply with the requirements of the law relating to the same, this Act shall take effect and come into full force from and after the day upon which it receives the assent of His Honour, the Lieutenant-Governor of Ontario.

Expenses of Act.

7. All expenses of obtaining this Act and of furnishing any documents, copies of papers, writings, deeds or any matter whatsoever required by the township of Gosfield South, as well as all expenses connected with the giving effect to the provisions of the preceding section of this Act, shall be paid by the said township of Gosfield South to any party or parties that may be entitled thereto.



## CHAPTER 52.

## An Act to incorporate the Town of Gravenhurst.

[Assented to 23rd April, 1887.]

**W**HEREAS the village of Gravenhurst in the district of Muskoka is rapidly increasing in population and is likely to become an important business centre; and whereas the council of the said village have by their petition represented that the incorporation of the said village as a town would promote its future progress and prosperity and enable its inhabitants to make suitable regulations for the protection and improvement of property, and that a portion of the township of Muskoka should be included in the said town; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the passing of this Act, the said village of Gravenhurst shall be and is hereby constituted a corporation, or body politic, under the name of the Corporation of the Town of Gravenhurst, and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario under the existing municipal laws of the said Province.

Town incorporated.

2. The said town of Gravenhurst shall comprise and consist of the lands lying within the limits described as follows, that is to say:—Commencing at the centre of Brock street, at the water's edge of Gull Lake, now in the village of Gravenhurst; thence south-easterly following the edge of Gull Lake until the line between lots 6 and 7, on the east side of the Muskoka road, crosses the said edge; thence westerly along the said line between lots 6 and 7, east of the Muskoka road, to a point thereon twelve chains east of the east limit of the said Muskoka road; thence on a line produced southerly averaging twelve chains east of the said Muskoka road to the blind line between lots 4 and 5 on the east of the Muskoka road; thence westerly along the same blind line between four and five to a point eighteen chains west of the west limit of the Muskoka road; thence northerly in a line produced eighteen chains west of the said road, until such line crosses the western limit of the Northern Railway Company's lands on lot 7 west of the road; thence north-westerly along the said western limit of the Railway Company's lands to the blind line between lots 7 and 8 (originally called Victoria street now Sharpe street west); thence westerly along the said blind line between lots 7 and 8

Limits of town.

to

to the western limit thereof; thence to a point where the south limit of lot 23, in the fourth concession, crosses the said line; thence westerly on the blind line between concessions 3 and 4, until the same crosses the old concession road between lots 25 and 26 on the fourth concession; thence along the centre of the old concession road between lots 25 and 26 on the fourth concession, to a point about six chains south of the water's edge of the South Bay of Lake Muskoka; thence north sixty-three degrees west for the distance of two hundred and sixty-five feet; thence north fifty-three degrees thirty minutes west to the centre of the road between concessions 4 and 5 in the township of Muskoka; thence westerly along the centre of the said road between concessions four and five to the centre of the Musquash road; thence along the said centre of the said Musquash road to the blind line between lot 27, on the fifth concession, and lot 27, on the sixth concession, of the township of Muskoka; then easterly along the said blind line between the lots 27, on the fifth and sixth concessions, to a point ten chains and fifty links west of the water's edge; thence in a line north forty-four degrees thirty minutes east to the water's edge of South Bay, Lake Muskoka; thence following the said water's edge easterly and southerly, as the same doth wind, to the centre of the concession line between lot 10, west of the Muskoka road, and lot 23, on the fifth concession of the township of Muskoka; then easterly along the said centre of road between lot 10, west of Muskoka road, and lots 23, 22 and 21, on the fifth concession of the township of Muskoka, to the centre of the road between said lot 10 west of the road and lot 10 east of the road; thence southerly along the said centre of the road between lots 10, west and east of the road, for a distance of eighteen chains; thence north forty-two degrees thirty-two minutes east being the centre of the old Bracebridge or Muskoka road for the distance of about thirteen chains; thence southerly south thirteen degrees thirty minutes east to the centre of the new Bracebridge road; then easterly along said centre of the new Bracebridge road to a point eighteen chains east of the centre stake east of the stake at the north-west corner of lot 9, on the east side of the Muskoka road; thence south in a line eighteen chains east of the said road to the waters of Gull Lake; thence along the westerly shores of Gull Lake to the place of beginning, and also the highway connecting the west and south wards which shall be maintained and kept in repair by the town.

Wards.

**3.** The said town shall be divided into three wards, to be called respectively the "South," "North" and "West" wards which said several wards shall be respectively composed and bounded as follows:—

The "South Ward" shall comprise all that part of the said town which is bounded as follows:—Commencing at the centre

centre of Brock street at the water's edge of Gull Lake in the village of Gravenhurst, thence south-easterly following the edge of Gull Lake until the line between lots 6 and 7, east side of Muskoka road crosses the said edge; thence westerly along the said line between lots 6 and 7 east of Muskoka road to a point thereon twelve chains east of the east limit of the said Muskoka road; thence in a line produced southerly averaging twelve chains east of the said Muskoka road to the blind line between lots 4 and 5 on the east of Muskoka road; thence westerly along the said blind line between lots 4 and 5 to a point eighteen chains west of the west limit of the said Muskoka road; thence northerly in a line eighteen chains west of said road until such line crosses the western limit of the Northern Railway Company's lands on lot 7 west of the road; thence north-westerly along the said western limit of railway company's lands to the blind line between lots 7 and 8 (originally called Victoria street); thence westerly along the said blind line between lots 7 and 8 to the western limit thereof; thence along the western limit or blind line of lot 8 to a point about ten chains north of the south-west corner of said lot 8, being where a line produced westerly south seventy-six degrees thirty minutes west from the centre of Brock street at Gull Lake would cross said westerly limit of lot 8 west of Muskoka road; thence easterly on the said line produced north seventy-six degrees thirty minutes east being the centre of Bay street east extended, and of Brock street, to the place of beginning.

The "North Ward" shall comprise all that part of the said town which is bounded as follows:—Commencing at the same point in the centre of Brock street on Gull Lake as the South Ward; thence westerly south seventy-six degrees thirty minutes west through the centre of Brock and Bay streets east extended to the blind line or west limit of lot 8 west of Muskoka road; thence along the said west limit of lot 8 to the water's edge; thence north-easterly and north-westerly following the said water's edge of South Bay, Lake Muskoka, to the centre of the concession line between lot 10 west of Muskoka road and lots 21, 22, and 23, on concession V of the township of Muskoka; thence easterly along said centre of road to the centre of the road between the said lot 10 west of road and lot 10 east of road, thence southerly for the distance of about eighteen chains, thence north forty-two degrees thirty minutes east, being the centre of the old Bracebridge or Muskoka road for the distance of about thirteen chains; thence southerly south thirteen degrees thirty minutes east to the centre of the new Bracebridge road; thence easterly along said centre of the new Bracebridge road to a point eighteen chains east of the corner stake on lot 9 on the east of Muskoka road; thence south in a line eighteen chains east of the said Muskoka road to the waters of Gull Lake; thence along the westerly shore of Gull Lake to the place of beginning.

The



The "West Ward" shall comprise all that part of the said town which is bounded as follows:—Commencing at the water's edge of the South Bay, Lake Muskoka, at the line between lot 8 west of Muskoka road and lot 23 in the fourth concession of the township of Muskoka, as originally surveyed; thence south along the westerly limit of lot 8 west of road to the blind line between concessions 3 and 4; thence west along the said blind line between concessions 3 and 4 until the same strikes the centre of the old concession road between lots 25 and 26 on the fourth concession; thence along the centre of the old road between lots 25 and 26 on the fourth concession to a point about six chains south of the water's edge of said South Bay; thence north sixty-three degrees west for the distance of two hundred and sixty-five feet, thence north fifty-three degrees thirty minutes west to the centre of the road between concessions 4 and 5 in the township of Muskoka; thence westerly along the centre of the said road between concessions 4 and 5 to the centre of the Musquash road; thence along the said centre of the said Musquash road to the blind line between lot 27 on the fifth concession and lot 27 on the sixth concession, township of Muskoka; thence easterly along said blind line, between lots 27 on the fifth and sixth concessions to a point ten chains and fifty links south of the water's edge; thence in a line north forty-four degrees thirty minutes east to the water's edge of South Bay, Lake Muskoka; thence following the said water's edge easterly and southerly as the same doth wind unto the place of beginning.

Acts respecting municipal institutions to apply.

4. Except as otherwise provided by this Act the provisions of *The Consolidated Municipal Act, 1883*, and any Act amending the same, with regard to matters consequent upon the formation of new corporations, shall apply to the said town of Gravenhurst in the same manner as they would have been applicable had the said village of Gravenhurst been erected into a town under the provisions of the said Acts.

Nomination for first election.

5. On the second Monday after the passing of this Act it shall be lawful for Thomas Johnson, or the village clerk for the time being, who is hereby appointed the returning officer, after giving notice thereof by public advertisement in a newspaper published in the said town of Gravenhurst, for at least one week, to hold the nomination for the first election of mayor, reeve and councillors at the Town Hall, in the said town of Gravenhurst, at the hour of noon, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of returning officer, and the polling for the said election (if necessary) shall be held on the same day of the week in the week next following the said nomination, and the returning officer or chairman shall at the said nomination publicly announce the place in each ward at which the polling shall take place.

6. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards into which the town is divided and such returning officer, and each deputy-returning officer shall, before holding the said election, take the oath or affirmation required by law and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act, and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns.

Deputy re-  
turning  
officers.

7. The clerk of the said township of Muskoka shall upon demand made upon him by the said returning officer, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the last revised assessment roll for the said township as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the first election, and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively and each such copy shall be verified on oath.

Clerk of town-  
ship of  
Muskoka to  
furnish copy  
of assessment  
roll.

8. The council of the said town to be elected in manner aforesaid shall consist of the mayor, who shall be the head thereof, a reeve and six councillors, two councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling on the same day of the week next following the week of the nomination; and subsequent elections, shall be held in the same manner as in towns incorporated under the provisions of *The Consolidated Municipal Act, 1883*, and any Act amending the same, and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Council.

9. The several persons who shall be elected or appointed under this Act shall take the declarations of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

Oaths of office  
and qualifica-  
tion.

10. At the first election of mayor, reeve and councillors for the said town of Gravenhurst the qualification of electors and that of officers required to qualify shall be the same as that required in villages by the municipal law of Ontario.

Qualification  
at first elec-  
tion.

11. The expenses of the township of Muskoka and of the town of Gravenhurst of and incidental to this incorporation,

Expenses of  
Act.

tion, and of furnishing any documents, copies of papers, writings, deeds, or any matter whatsoever required by the clerk or other officer of the said town, or otherwise, shall be borne by the said town and paid by it to any party that may be entitled thereto.

By-laws  
continued.

**12.** All by-laws and municipal regulations which are in force in the village of Gravenhurst shall continue and be in force as if they had been passed by the corporation of the town of Gravenhurst, and shall extend to and have full effect within the limits of the town hereby incorporated.

Property and  
obligations.

**13.** The property, assets, debts, liabilities and obligations of the village of Gravenhurst shall belong to and be assumed and paid by the corporation of the town of Gravenhurst.

Assessment  
for 1887.

**14.** The council of the said town may pass a by-law for taking the assessment of the said town for the year from the first of January to the thirty-first of December, 1887, between the first day of April and the first day of August, 1887; and if any such by-law extends the time for making and completing the assessment rolls beyond the first day of June, 1887, then the time for closing the Court of Revision, shall be six weeks from the day to which such time is extended, and the final return by the Judge twelve weeks from that day.

School  
trustees.

**15.—(1)** The said returning officer shall at the nomination provided for in section 5 of this Act, receive nominations for two school trustees for each of said wards, and the elections for such school trustees shall, except so far as is otherwise provided by this Act, be held and conducted in conformity with the provisions of *The Public Schools Act, 1885*.

(2) The first meeting of the board of public school trustees shall be held on the Wednesday of the week next following the week of the polling, or if there be no polling, on the Wednesday of the week next following the week of the nomination at noon, when the board of school trustees for the village of Gravenhurst, and also for school section number seven of the township of Muskoka shall cease to exist, and the said new board shall from the said date have control of school section number seven in the township of Muskoka, and the trustees of the late school board and section shall hand over unto the new board of trustees all moneys and properties belonging to the said schools and section; and the municipal councils and officers shall pay over all moneys, that may be due or may become payable to the old school board and school section seven unto the new board of trustees.

(3) One of said school trustees for each ward shall remain in office only for the unexpired part of the year 1887, and the other one for each ward until the end of the year 1888, and the length of term for each trustee shall be determined by lot at the first meeting of the new board of trustees. - CHAPTER.



## CHAPTER 53.

An Act to Consolidate the Debt of the City of Guelph  
and for other purposes.*[Assented to 23rd April, 1887.]*

**W**HEREAS the corporation of the city of Guelph has incurred debts secured by its debentures amounting to the sum of \$143,000, exclusive of the indebtedness of the city for public school debentures, and the said corporation has further incurred debts for municipal purposes unsecured by debentures, and unprovided for, amounting to the sum of \$32,000; and whereas the aggregate rate of two cents in the dollar on the whole ratable property of the city, will not during the next twenty years, be sufficient to meet the current annual expenses of the city, and such portions of the said debts as will become due in such years, and the additional rate required by by-law 170 hereinafter mentioned; and whereas the said corporation has by its petition prayed that the said secured and unsecured debts may be consolidated, and that the corporation may be authorized to issue debentures for that purpose; and whereas the said corporation did on the thirteenth day of December, 1886, pass a by-law after the same was duly approved of by the ratepayers of the city, entitled "A By-law to authorize the issue of debentures to the amount of \$175,000 for the purpose of paying for shares in the capital stock and for lending money to the Guelph Junction Railway Company and to authorize the said subscription of stock and the said loan," and which said by-law is numbered 170 and no application has been made to quash the same, but doubts may be raised as to its validity; and whereas the said corporation has petitioned that for the purpose of removing all doubts as to the validity of the said by-law the same may be confirmed and legalized and the debentures and the principal and interest secured thereby, may be made payable within thirty years instead of twenty years, as in the said by-law provided, and be made payable either in this Province or in Great Britain, or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada as the corporation may deem expedient; and whereas it is expedient to grant the prayers of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the said corporation of the city of Guelph from time to time to pass by-laws providing for the issue of debentures, under their corporate seal, signed by the mayor and countersigned by the treasurer for the time being, in

Preamble.

Issue of  
debentures for  
\$175,000  
authorized.

in such sums not exceeding \$175,000 in the whole, as the said corporation may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be payable either in this Province or in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada as the corporation may deem expedient.

Power to borrow on or sell debentures.

2. The corporation of the said city may, for the purpose in section 4 hereof mentioned, raise money by way of loan on the said debentures in this Province or in Great Britain or elsewhere, or sell and dispose of said debentures from time to time as they may deem expedient.

Payment of debentures and interest.

3. The said debentures shall be payable in not more than thirty years from the date thereof, as the said corporation may direct; coupons shall be attached to the said debentures for the payment of the interest thereon, and such interest shall be payable half-yearly on the first day of the months of January and July in each and every year, at the places mentioned therein and in the coupons attached thereto, and such debentures may bear interest at any rate not exceeding five per cent. per annum.

Application of debentures.

4. The said debentures and all moneys arising therefrom shall be applied by the said corporation in the redemption of the now outstanding debentures of the city of Guelph, and in the payment of the said unsecured debt of the city, and in no other manner, and for no other purpose whatsoever, and such debentures may be known as the "Consolidated Debt Debentures."

Outstanding debentures may be called in.

5. The treasurer of the said city shall, on receiving instructions from the council so to do, from time to time, but only with the consent of the holders thereof, call in any of the outstanding debentures, and shall discharge the same with the funds raised under the preceding sections of this Act, or may, with the like consent, substitute therefor the said debentures or any of them hereinbefore authorized to be issued, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debentures.

By-laws not to be repealed until debt satisfied.

6. Any by-law to be passed under the provisions of this Act authorizing the said loan shall not be repealed until the debt created under such by-law and the interest thereon shall be paid and satisfied.

Special rate for sinking fund.

7. For payment of the principal of the said debentures to be issued under the preceding sections of this Act, the council shall impose a special rate per annum (over and above and in addition to all other rates to be levied in each year, and over and above all interest to be paid on such debentures) which shall

shall be sufficient to form a sinking fund of one and one-half per cent. per annum for that purpose and hereafter it shall not be necessary for the council to enforce the collection of the sinking fund or amounts required to be levied for principal money to pay the said outstanding debentures.

8. The said corporation shall have power at any time to invest any moneys standing at the credit of the sinking fund Investment of sinking fund. created under this Act in the redemption of the said outstanding debentures of the said city, or in the redemption of the debentures issued under the authority of the preceding sections of this Act, or in government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes and being the first lien on such real estate, but not to any greater extent than two-thirds of the assessed value of such real estate, or in any other securities authorized by an Act or Acts now or hereafter to be in force in regard to the same, or that may be sanctioned by the Lieutenant-Governor in Council, or may deposit the same in any chartered bank or banks of the Dominion of Canada that the council may from time to time approve.

9. The special rate for the interest and sinking fund for payment of the debentures to be issued under the authority of the preceding sections of this Act, shall in each and every year during the continuance of said debentures be inserted in a separate and distinct column on the collector's roll of the said city, and shall not be included with any other rate or rates. Special rate to be entered separately on roll.

10. The debentures issued under the preceding sections of this Act may be in the form contained in the schedule A to this Act, and the by-law or by-laws for the special rate for payment of the interest, and to form a sinking fund for the payment of the said debentures, may be in the form of schedule B to this Act. Form of debentures and by-laws.

11. No irregularity in the form either of the said debentures to be issued under the preceding sections of this Act or of the by-law authorizing the issuing thereof shall render the same invalid or illegal or be allowed as a defence to any action brought against the said corporation, for the recovery of the amount of said debentures and interest, or any or either of them, or any part thereof. Irregularities not to invalidate debentures.

12. It shall not be necessary to obtain the assent of the electors of said city to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*. Assent of electors not required.

13. Nothing in this Act contained shall be held or taken to discharge the corporation of the city of Guelph from any indebtedness Indebtedness not discharged.



indebtedness or liability which may not be included in the said debt of \$175,000.

Provision as to public school debentures.

**14.** Notwithstanding anything in this Act contained all of the said now outstanding debentures which are public school debentures, or which have been issued for public school purposes, or which are debentures, for or towards the payment of which the supporters of separate schools or their property in the said city of Guelph are not liable or compellable to be rated or assessed, shall be provided for, retired and paid in all respects, as if this Act had not been passed.

By-law 170 confirmed.

**15.** The said by-law of the said corporation of the city of Guelph numbered 170 and intituled "A By-law to authorize the issue of Debentures to the amount of \$175,000 for the purpose of paying for shares in the capital stock of and for lending money to the Guelph Junction Railway Company, and to authorize the said subscriptions of stock and the said loan," is hereby confirmed and declared to be legal and valid to all intents and purposes and the debentures to be issued under the said by-law shall be and the same are hereby declared to be valid, legal and binding upon the corporation of the city of Guelph and the ratepayers thereof, notwithstanding anything in any Act or law to the contrary, and such debentures so to be issued and the principal money secured thereby and the interest accruing thereon may be made payable either in this Province or in Great Britain, or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada; and the said debentures may be made payable at any time not more than thirty years from their issue, and the council of the city of Guelph may pass a by-law, or by-laws, to authorize debentures to be made payable and to amend the said by-law 170 accordingly, and may in such amending by-law or by-laws settle the specific sum to be raised, levied and collected in each year during the continuance of the said debentures to be issued under by-law 170, and any amending by-law by a special rate sufficient therefor on all the ratable property in the said municipality for the purpose of forming a sinking fund for the payment of such debentures and for the purpose of paying the interest thereon, the same to be substituted for the specific annual sums appointed to be raised under the said by-law 170.

Form of debentures issued under by-law 170.

**16.** The debentures issued under the said by-law 170, and any by-law passed in amendment thereof under this Act, may be in the form contained in schedule C to this Act, and the by-law or by-laws in amendment of the said by-law 170 to be passed under the authority of this Act may be in the form of schedule D to this Act.

Irregularities not to invalidate debentures.

**17.** No irregularity in the form of the said debentures to be issued under the said by-law 170 or any by-law amending

amending the same, or in the form of any such by-law, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of such debentures and interest, or any or either of them or any part thereof.

18. It shall not be necessary to obtain the assent of the electors of said city to the passing of any by-law amending the said by-law 170 to be passed under the authority of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*. Assent of electors not required.

19. The said by-law 170 and any by-law to be passed amending the same shall not be repealed until the debt created in and by such by-laws and the interest thereon shall be paid and satisfied. By-laws not to be repealed.

20. The provisions of section 8 of this Act shall apply to the investment of any moneys standing at the credit of the sinking fund created under the said by-law 170 and any by-law amending the same. Sec. 8 to apply to sinking fund created under by-law 170.

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## SCHEDULE A.

### PROVINCE OF ONTARIO, CITY OF GUELPH CONSOLIDATED DEBT DEBENTURES.

Under and by virtue of an Act entitled *An Act to consolidate the debt of the City of Guelph and for other purposes*, passed in the fiftieth year of Her Majesty's reign and chaptered the corporation of the city of Guelph promise to pay the bearer at the sum of on the day of one thousand eight hundred and and the half-yearly coupons for interest thereon hereto attached, as the same shall severally become due.

Dated at Guelph, Ontario, this day of A.D. 18

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## SCHEDULE B.

By-law number to authorize the issue of debentures under the authority of *An Act to consolidate the debt of the City of Guelph and for other purposes*, passed in the fiftieth year of Her Majesty's reign and chaptered and to impose a special rate for the payment of the said debentures. Whereas





*An Act to consolidate the debt of the City of Guelph and for other purposes*, passed in the fiftieth year of Her Majesty's reign, chaptered                      the corporation of the city of Guelph promise to pay, the bearer at                      the sum of                      on the                      day of                      one thousand                      hundred and                      and the half-yearly coupons thereon hereto attached, as the same shall severally become due.

Dated at Guelph, Ontario, this                      day of                      A.D. 18

#### SCHEDULE D.

BY-LAW NO.                      TO AMEND BY-LAW 170 OF THE CITY OF GUELPH.

Under and by virtue of *An Act to consolidate the debt of the City of Guelph and for other purposes*, passed in the fiftieth year of Her Majesty's reign chaptered

The municipal corporation of the city of Guelph hereby enacts as follows:—

1. The debentures to be issued under by-law 170 of the city of Guelph, entitled "A by-law to authorize the issue of debentures to the amount of \$175,000 for the purpose of paying for shares in the capital stock of and for lending money to the Guelph Junction Railway Company and to authorize the said subscription of stock," and the said loan shall be made payable not more than thirty years from the issue of such debentures and may be made payable in Great Britain or elsewhere, and may be expressed in sterling money of Great Britain or currency of Canada, and section 4 of the said by-law 170 is hereby declared to be amended accordingly.

2. The following is substituted for section No. 6 of the said by-law No. 170:—

"6. That for the purpose of forming a sinking fund for the payment of the said debentures the certain specific sum of \$                      and for the purpose of paying interest upon the said debt of \$175,000, the certain specific sum of \$8,750, making together the sum of \$                      , shall be raised, levied and collected in each year during the continuance of the said debentures or any of them by a special rate sufficient therefor on all the ratable property in the said municipality."

This by-law passed in open council this                      day of                      in the year of our Lord one thousand eight hundred and

## CHAPTER 54.

An Act to authorize the Township of Howick to issue debentures.

*[Assented to 23rd April, 1887.]*

Preamble.

**W**HEREAS the corporation of the township of Howick, in the county of Huron, have by their petition represented that on the twenty-first day of November, 1887, there will mature debentures of said corporation to the amount of \$8,200 issued under a certain by-law numbered five and passed on the twentieth day of November, 1867, for the purpose of granting a bonus to the Wellington, Grey and Bruce Railway Company, and that on the thirtieth day of December, 1891, there will also mature certain other debentures of the said corporation to the amount of \$11,000 issued under a certain by-law numbered four, and passed on the second day of February, 1872, for the purpose of granting a bonus to the Toronto, Grey and Bruce Railway Company; and whereas the said corporation have further represented that funds have not been provided for redeeming the said debentures and that it would be in their interest to obtain an Act authorizing the issue of debentures in order to retire the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Authority to pass by-laws for new debentures.

Repeal of old by-laws.

New debentures when and where payable.

1. The corporation of the township of Howick, in the county of Huron, may pass a by-law or by-laws authorizing the issue of debentures of the said township for a sum not exceeding in the whole \$19,200 to redeem the said outstanding debentures issued under the aforesaid by-laws; and the corporation may after the redemption of the original debentures repeal the said by-laws so far as regards the levying of rates imposed by the same for the redemption of such original debentures and the payment of the interest of the same.

2. The debentures to be issued under the preceding section of this Act shall be made payable at such time or times not exceeding twenty years after the date thereof, and at such place or places either within or without this Province and shall be for such sums either in sterling or currency not less than \$100 each as the corporation of the said township may by such by-law or by-laws direct, and the said debentures shall bear interest at a rate not exceeding six per cent. per annum payable yearly or half-yearly, as by such by-law or by-laws may be provided.

3. The corporation of the said township may raise by way of loan upon the credit of the said debentures to be issued under section 1 of this Act a sum of money not exceeding in the whole the sum of \$19,200; and the treasurer of the said township shall on receiving instructions so to do from the council call in and discharge with the funds raised upon the said debentures, but only with the consent of the holders thereof, the outstanding debentures mentioned in the preamble to this Act, or may substitute for the said outstanding debentures or any of them, the debentures authorized to be issued under any by-law passed under the provisions of this Act upon such terms as may be agreed on between the corporation and the holders of such outstanding debentures.

Power to raise money on new debentures or exchange for old.

4. The by-law, or by-laws, authorizing the issue of such debentures shall impose a special rate per annum (over and above all other rates to be levied each year) which shall be sufficient to pay the interest on said debentures and to provide a sinking fund for the due payment of the principal of the same when the same shall fall due.

Special rate to be levied.

5. It shall be the duty of the treasurer of the said corporation by and with the consent and approbation of the council from time to time to invest all moneys raised by special rate, or the sinking fund provided by this Act, or by the by-law, or by-laws, either in the debentures to be issued under this Act or in government securities, municipal debentures or in first mortgages on real estate held and used for farming purposes and being the first lien on such real estate, but not to a greater extent than two-thirds of the assessed value of such real estate, or in such manner as the Lieutenant-Governor in council may by general or special order direct, or he may deposit the same in any chartered bank of the Dominion of Canada that the council may from time to time approve; and all dividends and interest received on such investments shall be applied to the extinction of the loan authorized to be raised under this Act.

Investment of sinking fund.

6. It shall not be necessary to obtain the assent of the electors of the said township to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*, or amendments thereto, and any provisions in the Acts respecting municipal institutions in the province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law, or by-laws, to be passed by the said corporation under the provisions of this Act.

Formalities prescribed by Municipal Acts not required.

7. The proceeds of the debentures authorized to be issued by this Act shall be applied to the redemption of the aforesaid outstanding debentures of the said township and for no other purpose whatever.

Application of proceeds of new debentures.



## CHAPTER 55.

An Act to amend the Act respecting the incorporation of the Village of Huntsville.

*[Assented to 23rd April, 1887.]*

Preamble.

WHEREAS by an Act of the Legislature of Ontario passed in the 49th year of Her Majesty's reign, and chaptered 55, the village of Huntsville was constituted a body corporate, separate and apart from the township of Chaffey, in which the said village is situate, under the name of the corporation of the village of Huntsville; and whereas after the passing of said Act it appeared that a clerical error was made in describing the boundaries of the said village of Huntsville, as defined by section 2 of the said Act; and whereas it is expedient to correct the said error;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

49<sup>th</sup> V. c. 55,  
s. 2, amended.

1. Section 2 of the said Act to incorporate the village of Huntsville is amended by adding after the word "Brunel" in the fourteenth line of said section 2 the words following "thence easterly parallel with the boundary line between the townships of Chaffey and Brunel across lot number ten to a point on the easterly side of the side road between lots numbers ten and eleven, thence southerly along the east side of the said side road to a point distant twenty chains and fifty links from the boundary line between the townships of Chaffey and Brunel."

## CHAPTER 56.

An Act respecting the Debt of the City of Kingston.

*[Assented to 23rd April, 1887.]*

Preamble.

WHEREAS the corporation of the city of Kingston, by their petition, shew that by an Act of the Legislature of the Province of Ontario passed on the 2nd day of March, 1872, the debt of the said corporation was consolidated at the sum of \$470,000, of which sum \$300,000 was a bonus granted by the said corporation to the Kingston and Pembroke Railway Company, to assist in the building of the Kingston and Pembroke Railway, a work which will continue to confer advantages upon the ratepayers of the said city permanently; and

and whereas by the said Act the said debt was made payable in annual instalments during a period of thirty years, debentures therefor being issued accordingly, the last of said instalments falling due in the year 1901 ; and whereas since the said Act was passed the said corporation has raised a loan on the credit of the debentures of the said corporation of \$25,000, also payable by annual instalments during a period of twenty years, the last of said instalments falling due in the year 1896 ; and whereas there has been paid on account of the principal of the said debenture debt besides the interest the sum of \$147,300, leaving unpaid of the principal on the 31st day of December, 1886, the sum of \$347,700 ; and whereas the said corporation has also incurred since the passing of the said Act a floating debt amounting to the sum of \$24,000 ; and whereas the said corporation has petitioned to be authorized to consolidate the said floating debt, and to issue debentures for a loan for the payment of the same, bearing interest and payable as set forth in schedule "A" to this Act, without providing a sinking fund or making other provision for the payment of the principal than as hereinafter provided, the interest to be levied by an annual special rate, over and above all other rates, on the ratable property of the said municipality, and the principal of the said debt to be similarly levied for, in the years in which the said debentures therefor shall fall due respectively, as set forth in schedule "A" to this Act, and also to be authorized to relieve the ratepayers of the said city by effecting an extension of the time for the final payment of a portion, amounting to the sum of \$305,600, of the said debenture debt remaining unpaid, by issuing and negotiating a loan or loans upon the credit of new debentures for the sums, and to be issued and payable as set forth in schedule "B" to this Act, and without providing a sinking fund or making other provision for the payment of the principal than as hereinafter provided, the interest and the principal to be levied for as aforesaid, and to pass without the formalities required by law in such cases, all necessary by-laws for the issue of the debentures aforesaid and for the levying of the special rates thereunder required for the payment of the interest and principal of the said debts as aforesaid ; and whereas the council of the said corporation have also asked for special powers in the matter of certain proposed debentures for a loan to purchase and improve the waterworks of the said city, or to pay a bonus to the Napanee and Tamworth Railway Company ; and whereas it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as "*The City of Kingston Debt Arrangement Act, 1887.*" Mode of  
citation.

2.

Floating debt consolidated at \$24,000.

2. The said floating debt of the said corporation is hereby consolidated at the sum of \$24,000, and the said corporation is hereby authorized to issue debentures therefor, as set out in schedule "A" to this Act, in sums not less than \$100, and not exceeding in the whole the sum of \$24,000, bearing interest from the date at a rate not exceeding six per centum per annum, and to be issued as of the date and payable as set forth in schedule "A," and to raise thereon a loan for the purpose of paying off the said debt of \$24,000.

Issue of new debentures in payment of old debt authorized.

3. The said corporation is hereby authorized to liquidate each year from the passing of this Act, inclusive, the portions of the said debenture debt yearly falling due, amounting together to the sum of \$305,600, as aforesaid, as set forth in column three of schedule "C" to this Act, by issuing new debentures for such portions as set forth in said column three of schedule "C," in sums not less than \$100, and not exceeding in the whole in any year the proportion of the said debt to be so liquidated in that year, as set forth in said column three of schedule "C," and raising a loan thereon for the said purpose, which said debentures shall be issued as of the dates, and be payable as set forth in schedule "B" to this Act, and shall bear interest from such dates at a rate not exceeding six per centum per annum.

By-law for issue of debentures.

4. The said corporation is hereby authorized to pass a by-law, or by-laws, for the issue of the said debentures and the levying on the ratable property of the municipality of an annual special rate in each year until the said debentures shall all be paid, over and above all other rates, sufficient for the purpose of paying the interest on the said debentures, in each year while the same are running, and in the years in which the said debentures shall respectively become due, sufficient also to pay the principal of the debentures so becoming due, and it shall not be necessary to provide for the payment of such principal by a sinking fund or otherwise, until the years respectively in which the debentures for the respective portions of the same become due as aforesaid, in which years respectively the respective portions of the said principal due therein shall be levied for and paid as aforesaid, and the said by-laws may be passed without obtaining the assent of the electors of the said municipality to the same, and without observing any of the other formalities required by law in such cases, and the interest on the said debentures may be made payable yearly or half-yearly, as the council of the said corporation may provide in the said by-law or by-laws.

Levy of rates.

5. So much of the special rates provided to be levied by the by-laws under which the outstanding debentures for the said debenture debt were issued as would be required to provide the portion of the said debt to be liquidated in each year by means of a new issue of debentures as aforesaid, shall not be levied



levied after the issue of the new debentures for or in respect of the same, and nothing in this Act contained shall authorize the statutory limit of two cents in the dollar on the whole ratable property of the said municipality for the general and special rates of the same over and above school rates, to be exceeded in any year.

6. The series of the said debentures to be issued for the said floating debt may be issued and dated as of the 31st day of December, 1886, and shall bear interest from that date. Date of debentures.

7. No irregularity or informality in the form of the said debentures or of the by-law or by-laws authorizing their issue, or in the passing of said by-law or by-laws, or in the special rates to be levied under the same, shall render the said debentures, by-laws or rates, or any or either of them, invalid or illegal, or be allowed as a defence to any action or proceeding brought or taken to recover or enforce the same, or either of them. Irregularities not to affect debentures.

8. Every special rate to be levied under the authority of this Act may be levied under the name of "Debt arrangement loan rate," and when more than one such rate is to be levied in the same year they shall be levied together as one rate under the said name. Name of rate.

9. It shall not be necessary in the by-law or by-laws to be passed under this Act to recite any of the matters required to be recited in by-laws creating debts not payable within the year, but it shall be sufficient to state instead that such by-law or by-laws is or are passed in pursuance of this Act, citing it. Recitals in by-law.

10. The debentures for the said loans may be, principal and interest, made payable in the sterling money of the United Kingdom of Great Britain and Ireland, not exceeding in value the sums hereby authorized, and may be negotiated there. Debentures may be payable in sterling money.

11. The council of the said corporation, in the case of the issue of debentures for a loan to purchase and improve the water works of the said city, or to pay a bonus to the Napanee and Tamworth Railway Company, should such issue be first duly authorized for both or either of the said objects by by-laws or a by-law duly assented to by the electors of the said municipality and passed as required by law, may extend the period within which such debentures shall be payable to forty years from the date of issue. Extension of time of payment of debentures.

12. Nothing in this Act contained shall affect the debt incurred or to be incurred by the said corporation on account of the public schools of the said municipality, or the debentures issued, or to be issued, for or on account of the same. Debt for school purposes not affected.

Liability not  
affected.

**13.** Nothing in this Act contained shall be held or taken to discharge the said corporation from any indebtedness or liability not included in the said debts dealt with hereby.

#### SCHEDULE A.

Amount of the debentures to be issued for the floating debt.	Date of the debentures.	Period for which the debentures are to run.	Time when the debentures fall due.
\$6,900 00	Dec. 31, 1886	16 years.	Dec. 31, 1902
7,400 00	" "	17 "	" 1903
7,800 00	" "	18 "	" 1904
1,900 00	" "	19 "	" 1905
<hr/> \$24,000 00			

#### SCHEDULE B.

Amounts for which new debentures for the present debenture debt are to be issued.	Date of the issue as per Act.	Period for which the debentures are to run.	Time when the debentures fall due.
\$6,200	Dec. 31, 1887	18 years.	Dec. 31, 1905
8,000	" "	19 "	" 1906
<hr/> \$14,200			
1,800	" 1888	18 "	" 1906
10,300	" "	19 "	" 1907
2,800	" "	20 "	" 1908
<hr/> 14,900			
8,000	" 1889	19 "	" 1908
7,600	" "	20 "	" 1909
<hr/> 15,600			
3,800	" 1890	19 "	" 1909
11,800	" "	20 "	" 1910
800	" "	21 "	" 1911
<hr/> 16,400			
11,700	" 1891	20 "	" 1911
5,500	" "	21 "	" 1912
<hr/> 17,200			
7,700	" 1892	20 "	" 1912
10,400	" "	21 "	" 1913
<hr/> 18,100			
3,400	" 1893	20 "	" 1913
14,500	" "	21 "	" 1914
1,100	" "	22 "	" 1915
<hr/> 19,000			
14,100	" 1894	21 "	" 1915
5,800	" "	22 "	" 1916
<hr/> 19,900			
10,200	" 1895	21 "	" 1916
10,700	" "	22 "	" 1917
<hr/> 20,900			

SCHEDULE

SCHEDULE B—*Continued.*

Amounts for which new debentures for the present debenture debt are to be issued.		Date of the issue as per Act.	Period for which the debentures are to run.		Time when the debentures fall due.	
\$6,100	22,000	" 1896	21	"	"	1917
15,900		" "	22	"	"	1918
1,700	23,100	" 1897	21	"	"	1918
18,500		" "	22	"	"	1919
2,900		" "	23	"	"	1920
16,600	24,200	" 1898	22	"	"	1920
7,600		" "	23	"	"	1921
12,800	25,400	" 1899	22	"	"	1921
12,600		" "	23	"	"	1922
8,800	26,700	" 1900	22	"	"	1922
17,900		" "	23	"	"	1923
4,600	28,000	" 1901	22	"	"	1923
23,400		" "	23	"	"	1924

## SCHEDULE C.

Column 2 shews amount of the debenture debt falling due in the following years.

Column 3 shews amount of the said debt in respect of which new debentures are to be issued in each of the said years, the balances to be paid in the said years.

Year.	No. 1.	No. 2.	No. 3.
1887.....		\$15,500	\$14,200
1888.....		16,400	14,900
1889.....		17,300	15,600
1890.....		18,500	16,400
1891.....		19,500	17,200
1892.....		20,800	18,100
1893.....		21,900	19,000
1894.....		23,200	19,900
1895.....		24,700	20,900
1896.....		26,100	22,000
1897.....		25,500	23,100
1898.....		27,100	24,200
1899.....		28,700	25,400
1900.....		30,400	26,700
1901.....		32,100	28,000
		\$347,700	\$305,600



## CHAPTER 57.

An Act to authorize the Corporation of the City of London to borrow certain moneys for Public School purposes.

*[Assented to 23rd April, 1837.]*

Preamble.

**W**HEREAS the municipal council of the corporation of the city of London and the board of education of the city of London have, by their petition, represented that the said corporation are the owners of lots numbers six, seven, eight, nine and ten, on the south side of East King Street, and of lots numbers six, seven, eight, nine and ten, on the north side of East York Street, in the said city of London, and that it is desired by the said corporation and the said board to sell the said lands and acquire other lands in lieu thereof, and to erect buildings thereon for public school purposes; and that to carry out the said object it will be necessary for the said corporation to be authorized to borrow money, and have prayed for the passing of an Act to enable them to carry out the said object; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Power to pass by-laws for acquiring land for school purposes.

**1.** The said municipal council may from time to time pass by-laws for acquiring such lands as they may deem necessary for providing additional public school accommodation for the said city, and for erecting buildings thereon and otherwise improving the same for the said purposes.

Power to borrow.

**2.** The said municipal council may pass a by-law or by-laws for borrowing such sum or sums of money as they may deem necessary for the purposes mentioned in section 1, and issue debentures therefor which may be payable at any time within such period not exceeding twenty years from the date thereof, and with such rate of interest not exceeding six per centum per annum, payable yearly, half-yearly or otherwise as the said council may direct or think fit.

Limit of borrowing powers.

**3.** The amount to be borrowed, under the authority of this Act, shall not exceed the value of so much of the lands herein-after and in the preamble to this Act mentioned as the said council shall, within three years after the passing of this Act, declare it to be expedient to dispose of.

How value of lands is to be determined.

**4.** The value of the said lands shall be ascertained and determined by the estimate of the city assessors or such other person as the said municipal council may by by-law appoint for that

that purpose, and such estimate shall, when filed with the clerk of the said municipality, be conclusive evidence for the purposes of this Act of the value of the said lands.

5. The said municipal council may sell and dispose of lots numbers six, seven, eight, nine and ten, on the south side of East King Street, and lots numbers six, seven, eight, nine and ten, on the north side of East York Street, in the said city of London, being the lands mentioned in the preamble to this Act, free from the trusts contained in the Letters Patent granting the same either together or in parcels, and for cash or on credit, and by either public auction or private sale, and may convey the same to the purchasers thereof and may take mortgages or other securities thereon for the unpaid purchase money, and may sell, dispose of and assign such mortgages or other securities. Power to sell lands.

6. The purchasers of the said lands shall not be bound to see to the application of their purchase money or to inquire whether any of the conditions of this Act have been complied with. Purchasers not responsible for application of purchase money.

7. The whole of the proceeds of the sale of the said lands shall form a fund for the payment of the principal and interest of the debentures by this Act authorized to be issued and shall, until the same shall be fully paid and satisfied, be applied for no other purpose. Application of proceeds of sale.

8. If the produce of the sale of the said lands shall not be sufficient to pay off the moneys borrowed under the authority of this Act and the interest thereof within five years from the passing of this Act, it shall be the duty of the said municipal council, upon the expiration of the said period of five years, to raise by special rate upon all the ratable property within the said city, except the property of the supporters of separate schools, yearly during the currency of the said debentures, a sum sufficient to pay the annual interest of the then outstanding debentures, and a sum sufficient with the estimated interest on the investments thereof, the rate of such interest not to exceed five per centum per annum capitalized annually, to discharge the debt when payable. Council to raise balance needed.

9. It shall not be necessary that any by-law passed under the authority of this Act shall receive the assent of the electors, or that any of the provisions of *The Consolidated Municipal Act, 1883*, relating to by-laws for creating debts shall be complied with. Assent of electors to by-laws not required.

10. Every debenture issued under the authority of this Act shall have upon the face of it written or printed the words "Public School Debenture, 1887," and it shall be conclusively presumed in favour of the holder of every such debenture, that the same was lawfully issued under the authority of this Act. Form of debentures.

Exemption of  
property of  
separate  
school sup-  
porters.

**11.** Notwithstanding anything herein contained, this Act shall be taken and construed as enacting and intending that all persons who are supporters of separate schools within the said city of London, and the property of every such person, shall be exempted from, and shall not be liable for, the payment of the debentures hereby authorized to be issued, or for any part thereof, or for any rate or assessment made, levied, or authorized in respect of said debentures or any of them, or of the payment thereof.

## CHAPTER 58.

### An Act respecting the General Hospital of the City of London.

[Assented to 23rd April, 1887.]

Preamble.

**W**HEREAS the municipal council of the city of London have by their petition represented that, for the better government of the Hospital of the said city, it is expedient that the management of the said Hospital should be vested in a Board of Trustees, and have prayed for an Act accordingly;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Board of  
trustees.

**1.** The general management of the Hospital of the city of London shall be vested in and exercised by a Board to be called the Board of Hospital Trustees of the city of London.

Constitution  
of board.

**2.** The Board shall be a body politic and corporate and shall be composed of the mayor of the said city, *ex officio*, and of four other members, of whom one shall be appointed by the Lieutenant-Governor in Council, one shall be appointed by the county council of the county of Middlesex and two by the municipal electors of the city of London.

Appointment  
by Lieuten-  
ant-Governor.

**3.—(1)** The member of the Board appointed by the Lieutenant-Governor in Council shall be a ratepayer of the city of London and shall hold office for two years.

Appointment  
by county  
council.

**(2)** The member of the Board appointed by the County Council of the county of Middlesex shall be chosen at the last meeting of the Council in each year.

Election by  
municipal  
electors.

**(3)** The members of the Board elected by the municipal electors of the city of London shall be elected at the annual municipal elections, and all the provisions of *The Consolidated Municipal Act, 1883*, respecting the nomination, election, unseating,



seating, grounds of disqualification and otherwise, of mayors shall apply to the election of the said members, and the members so elected shall hold office for two years, except in the case of the members first elected, one of whom shall retire at the end of the first year as may be determined by lot at the first meeting of the Board.

4. Every member of the Board shall continue in office until his successor is appointed or elected, as the case may be, and any member whose term of office has expired may be reappointed or re-elected. Duration of office.

5.—(1) In case of a vacancy by the death or resignation of a member, or from any cause other than the expiration of the time for which he was appointed or elected, the member appointed or elected in his place shall hold office for the remainder of the term. Filling vacancies.

(2) In case a member elected by the municipal electors of the city of London or appointed by the council thereof vacates his office as aforesaid, the council of the said city shall appoint a person to fill the vacancy.

6.—(1) The members of the first Board within ten days after their appointment and on such day and hour and at such place as the Mayor of the city of London shall appoint (notice of the appointment in writing signed by the Mayor having been duly sent to the address of each member at least one week before the day and hour named therein) shall meet for the purpose of organization, and shall elect one of their number chairman, and shall appoint a secretary who may be either one of their own members or any other person whom they may select. Organization of board.

(2) When the chairman or secretary is absent or unable to act the Board may appoint a chairman or secretary *pro tempore*.

7.—(1) The Board shall meet at least once every two weeks and at such other times as they may think fit. Meetings.

(2) The chairman or any two members may summon a special meeting of the Board by giving at least two days notice in writing to each member specifying the purpose for which the meeting is called.

(3) No business shall be transacted at any special or general meeting unless three members are present.

(4) All orders and proceedings of the Board shall be entered in books to be kept by them for that purpose and shall be signed by the chairman for the time being.

8. No member of the Board shall be a medical man in actual practice, or, with the exception of the mayor, a member of the city council, or an officer or servant in the employment of the said council. Persons disqualified.

Treasurer.

9. The treasurer of the city of London for the time being shall be the treasurer of the said Board.

Powers of trustees to revert to city council on passage of a by-law for that purpose.

10. In case the municipal council of the corporation of the said city of London shall pass a by-law declaring it expedient that the powers conferred by this Act shall cease, and such by-law shall receive the assent of the municipal electors of the said city of London in manner provided by *The Consolidated Municipal Act, 1883*, and amendments thereto, such powers shall from the time named for that purpose in the by-law cease and be at an end, and the same shall revert to the said municipal council.

Rights of property not affected.

11. Nothing herein contained shall have the effect of transferring to or vesting in the said Board or this Province or in the corporation of the county of Middlesex any right to or in the said hospital.

Commencement of Act.

12. This Act shall go into effect on the first day of next December.

## CHAPTER 59.

### An Act respecting the City of Ottawa.

[Assented to 23rd April, 1887.]

Preamble.

WHEREAS the municipal councils of the village of New Edinburgh and of the city of Ottawa did on or about the 6th day of August, A. D. 1886, petition the Lieutenant-Governor in Council, praying that a proclamation be issued to give effect to an agreement previously entered into, by the said municipalities, providing for the annexation of the village of New Edinburgh to the city of Ottawa pursuant to the provisions of *The Consolidated Municipal Act, 1883*; and whereas on the 5th day of November, 1886, a proclamation was issued giving effect to the said annexation; and whereas the said municipalities have acted upon the said proclamation and have held their municipal and school trustee elections as if the said annexation became effective on the 1st day of January, 1887; and whereas the corporation of the city of Ottawa have by their petition prayed for legislation to remove any doubts that may exist in reference to the legality of the said elections and to provide for the assessment of the said village of New Edinburgh as a ward of the city of Ottawa for the year 1887, and for the other matters and things herein-after set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. All that part of the township of Gloucester, in the county of Carleton, formerly comprised within the limits of the village of New Edinburgh, is hereby annexed to and shall be henceforth included within the limits of the city of Ottawa (which limits are hereby extended so as to include the same), and shall constitute a ward of the city of Ottawa to be known as New Edinburgh ward, subject to the same provisions of law as if such annexation had been made and the proclamation giving effect to the same had been issued before the first day of October, 1886.

New Edinburgh  
annexed  
to Ottawa.

2. The municipal elections held in the said New Edinburgh ward for the year 1887 are hereby ratified and confirmed and declared to be valid and effectual, and John Henderson, John Askwith and John Charles Roger are hereby declared to be the three aldermen and members of the council of the corporation of the city of Ottawa for the said New Edinburgh ward for the year 1887.

Municipal  
elections  
confirmed.

3. The elections held in the said New Edinburgh ward for public and separate school trustees for the year 1887 are hereby ratified and confirmed and declared to be valid and effectual.

School trustee  
elections  
confirmed.

4. The assessment rolls and voters' lists of the village of New Edinburgh for the year 1886, as finally revised for that year are hereby confirmed, and the said assessment rolls and voters' lists are hereby constituted the assessment rolls and voters' lists for New Edinburgh ward of the city of Ottawa for the year 1887, and the council of the corporation of the city of Ottawa are hereby authorized to levy and collect the rates and taxes of the said New Edinburgh ward for the year 1887 on the basis of said assessment rolls; and no further or other assessment of New Edinburgh ward for the year 1887 need be made by the said council.

Assessment  
rolls and  
voters' lists  
confirmed.

5. If the corporation of the county of Carleton shall within six months elect to require an arbitration thereon arbitrators shall be appointed as provided by *The Consolidated Municipal Act, 1883*, to determine whether anything and what shall be paid by the corporation of the city of Ottawa to the corporation of the county of Carleton, or by the latter corporation to the former corporation, consequent on the addition to the limits of the said city of Ottawa hereinbefore mentioned, and the said arbitrators, if they see fit, may take into consideration, and allow to the corporation of the county of Carleton such part (if any) of the cost of construction of the iron bridge over the river Rideau, known as the New Edinburgh iron bridge, as they may deem just, having regard, if they see fit, to the value of the same bridge either as an asset of the county or otherwise at the time of the proclamation,

Allowance to  
county of  
Carleton in re-  
spect of the  
New Edinburgh  
iron  
bridge.



tion, and having regard also, if they see fit, to the interest, if any, of New Edinburgh in the other bridges of the county.

Local improvement by-laws for raising money by special assessment confirmed.

6. All by-laws heretofore passed by the council of the corporation of the city of Ottawa for borrowing money by the issue of debentures secured by special assessment on the real property benefited by local improvements, works and services, the debentures issued thereunder and the special assessment made to provide for the cost of such local improvements, works or services, are hereby confirmed and declared valid and effectual.

By-laws for providing for the city's share of cost of local improvements confirmed.

7. All by-laws heretofore passed by the council of the corporation of the city of Ottawa for borrowing money on the general credit of the city to provide for the payment of the city's share of local improvements, works and services, and the debentures issued thereunder, are hereby declared valid and effectual, notwithstanding that such by-laws have not been submitted for the assent of the electors of the said city of Ottawa.

Water works debentures.

8. To enable the corporation of Ottawa to enlarge the capacity of the water works, the council of the corporation of the city of Ottawa shall have power to pass a by-law or by-laws to authorize the issue of debentures of the said corporation for a sum not exceeding \$100,000, in such sums—of not less than \$100—as the said corporation may deem expedient, which said debentures shall be made payable not more than thirty years from the day on which they respectively bear date, and may be in the form A in the schedule to this Act set forth; which said debentures shall bear interest at a rate not exceeding five per cent. per annum, payable half-yearly, and such debentures shall be signed by the mayor and the treasurer of the said city for the time being, and may be made payable, either in sterling or currency, in Great Britain, in this Province, or elsewhere, as to the council of the corporation of the city of Ottawa shall seem expedient.

Corporation to provide annually by the water rates the amount required for sinking fund and interest.

9. For the purpose of providing a sinking fund for the payment of the said debentures, and the interest on the same, semi-annually, the council of the corporation of the city of Ottawa shall raise, annually, from the water rates, and with the authority conferred upon them in and by the Act of the Legislature of this Province, intituled, *An Act for the Construction of Water Works for the City of Ottawa*, and the Acts amending the same, a sum of money sufficient to pay the interest, semi-annually, on the days appointed for the payment thereof, upon the principal money of the said debentures; and shall also raise, annually, a further sum not less than one and one-half per cent. on the principal of the said debentures sufficient to form a sinking fund to pay off the principal money when the same shall become payable, such sums to be in addition to

to the moneys required to be raised, to meet the charges for maintenance, the cost of renewals, and the amounts required for the payment of the interest on the water works debentures already issued for the payment of the sinking fund, amounting annually to \$11,700, as required by section 14 of *The Act to consolidate the debenture debt of the city of Ottawa*, passed in the forty-first year of Her Majesty's reign, and chaptered 37, and the said corporation shall pay the principal moneys and interest on the said debentures herein authorized to be issued, as the same shall from time to time fall due.

**10.** If, from any cause, the moneys annually accruing under the water rates, after deducting the present charges thereon, shall be less than the sums of money from time to time necessary for the payment of the interest and of the sinking fund to pay off the debentures herein authorized to be issued, it shall be the duty of the corporation of the city of Ottawa, and they are hereby authorized and required, when and as often as the same may occur, forthwith to settle, impose, levy and collect an equal special rate upon all the assessable property of the city of Ottawa, in the manner and with the like powers as shall exist in respect to municipal assessments, rates and taxes, and out of the proceeds thereof to pay and discharge all sums of money for interest or principal, which shall or may be due, or accruing due, to meet the interest and sinking fund to pay the debentures herein authorized to be issued.

Special rate if water rates prove insufficient.

**11.** The by-law or by-laws of the said corporation, passed under the authority of this Act, shall not require to be submitted to or to have the assent of the electors of the said city before the final passing thereof; nor shall it be necessary that any of the provisions of *The Consolidated Municipal Act, 1883*, relating to by-laws for creating debts be complied with.

Assent of electors to by-laws not required.

**12.** No irregularity in the form of the said debentures, or of the by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

Irregularities not to render debentures void.

**13.** Any surplus revenues arising from the supply of water by the water works of the said city, after providing for maintenance and renewals, for the payment of the interest on the water works debentures already issued, for the payment of the sinking fund, amounting annually to \$11,700, as required by section 14 of *The Act to Consolidate the Debenture Debt of the City of Ottawa*, passed in the forty-first year of Her Majesty's reign, and chaptered 37, and also after providing for the moneys required to pay the interest and the sinking fund for the debentures herein authorized to be issued, may, in any year, if the city council so direct, be used and applied in the enlargement

Application of surplus revenue from water works.

construction and improvement of the water works, notwithstanding the provision contained in the said section, or in section 32 of *The Act for the construction of Water Works for the city of Ottawa*, passed in the thirty-fifth year of Her Majesty's reign, and chaptered 80, but if such surplus revenue, or some portion thereof, be not so used in the improvement of the water works, then the said surplus revenue, or the portions thereof not so used, shall be immediately placed at the credit of and become a part of the general sinking fund as required by the said section.

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### SCHEDULE.

(Form A.)

#### WATER WORKS DEBENTURE.

No. \$  
 Province of Ontario,  
 City of Ottawa.

Under and by virtue of the Act passed in the fiftieth year of the Reign of Her Majesty, Queen Victoria, and Chaptered , and by virtue of By-law No. , of the Corporation of the City of Ottawa, passed under the powers contained in the said Act.

The Corporation of the City of Ottawa promise to pay the bearer, at , in the sum of on the day of A.D. and the half-yearly coupons hereto attached as the same shall severally become due.

L.S.

*Mayor.*

*Treasurer.*



## CHAPTER 60.

## An Act respecting the Agricultural Society of the North Riding of the County of Oxford.

[Assented to 23rd April, 1887.]

**W**HEREAS at the annual meeting of the Electoral District Preamble.  
 Society of the Electoral District of the North Riding of the County of Oxford, duly held on the eighteenth day of January, 1887, in pursuance of the provisions of *The Agriculture and Arts Act*, Joseph L. Peers was duly elected president of the said society for the year ending on the third Wednesday of January, 1888; and whereas, also, at the said meeting Valentine Ficht and J. F. Wilson were duly elected vice-presidents of the said society, and William Donaldson, John M. Grant, George R. Pattullo, John Peers, Hugh McDonald, F. Green, R. Moysey, Thomas Lockhart, and Angus Rose, were elected directors of the said society, and the said William Donaldson was duly nominated representative of the said Division in the council of the Agriculture and Arts Association, and John Craig was duly elected secretary-treasurer, and Roland W. Sawtell and Richard W. Knight were elected auditors, and doubts have arisen as to the regularity of their election and it is expedient to remove such doubts and to confirm such election; and whereas in consequence of the taking by the Western Ontario Pacific Railway Company of a portion of the present site for fairs and exhibitions of the said society it has been necessary to sell the said site and to acquire a new one in the said district, and by resolution of the members of the said society called for that purpose the then board of directors were authorized to sell the said lands; and whereas it is necessary for the said society to acquire and hold land as a new site for its fairs and exhibitions, and to mortgage the same for the purpose of paying the whole or a portion of the said purchase money, and it is expedient to give such power to the said board of directors without the approval of a meeting of the society for that purpose;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The election of the said president, vice-presidents, directors, secretary-treasurer, and auditors and representative, is hereby declared valid, and they are hereby declared to have been, and to be, and to continue to be, the officers of the said society until the next annual election. Election of officers confirmed.

2. It shall be lawful for the said board of directors during their said term of office to sell the said site now owned by the said Sale of lands authorized.

said society to such person or persons and in such manner as they shall determine, without any further approval of a meeting of the said society.

Power to purchase and mortgage land.

3. It shall be lawful for the said board of directors to acquire and hold within the said district land sufficient for a site for the fairs and exhibitions of the said society, and to mortgage the same to secure the payment of the whole or any part of the purchase money without the approval of a meeting of the said society called for that purpose.

## CHAPTER 61.

An Act to incorporate the Town of Parry Sound.

[Assented to 23rd April, 1887.]

Preamble.

WHEREAS the district hereinafter described,—comprising portions of the municipalities of McDougall and Foley, in which are situate the unincorporated villages of Parry Sound and Carington—is rapidly increasing in population, and is now a manufacturing and shipping centre of considerable importance, and is about to become the terminus of the proposed Parry Sound Colonization Railway; and whereas the inhabitants of the said district have petitioned to be separated from the municipalities of McDougall and Foley and formed into a corporate town, and have by their petition represented that the incorporation of the said district as a town would promote its future progress and prosperity, and enable its inhabitants to make suitable regulations for the protection and improvement of property, and have prayed for its incorporation accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town incorporated.

1. On and after the passing of this Act, the district hereinafter described shall be separated from the municipalities of McDougall and Foley, and the inhabitants thereof shall be, and they hereby are, constituted a corporation or body politic, under the name of “The Corporation of the Town of Parry Sound”; and shall enjoy and have all the rights, powers and privileges enjoyed and exercised by incorporated towns in the Province of Ontario, under the existing municipal laws of the said Province, except where otherwise provided by this Act.

2. The said town of Parry Sound, shall comprise, and consist, of lots numbers twenty-eight, twenty-nine, and thirty, in the first concession of the township of McDougall; all those portions of lots numbers twenty-six and twenty-seven lying north and west of the River Seguin, and lots numbers twenty-eight, twenty-nine, thirty and thirty-one in the second concession of said township; lot number twenty-six in the third concession of said township; and lots numbers one hundred and forty-nine and one hundred and fifty in concession "A" of the township of Foley; also Bob's Island, adjoining lot number thirty in the first concession of the township of McDougall, and the water lots on Parry Sound Harbor in front of the lots. <sup>Limits of town.</sup>

3. The said town shall be divided into three wards, to be called respectively the "West," "Centre" and "East" wards, which said several wards shall be respectively composed and bounded as follows:—The West Ward shall be composed of that portion of the said town bounded as follows: On the east by Bay Street, James Street, William Street and the Great Northern Road to its intersection with the concession line between the second and third concessions of the township of McDougall; on the north by the said concession line till it intersects the waters of Parry Sound; and on the west and south by the waters of Parry Sound; also including the Conger Lumber Company's mill property and Bob's Island; the Centre Ward shall be composed of that portion of the said town bounded and described as follows: First, commencing at the south-westerly limit of Bay Street, thence northerly along said Bay Street, James Street, William Street and the Great Northern Road to its intersection with the concession line between the second and third concessions of the township of McDougall, thence easterly along said concession allowance till it intersects the River Seguin, thence southerly along the western bank of said river to the limits of the Conger Lumber Company's mill property, thence westerly to the place of beginning, together with lot number twenty-six in the third concession of the township of McDougall; and secondly—that portion of the said town lying east of the River Seguin described as follows:—Commencing at a point on the eastern bank of the River Seguin, at the bridge which crosses the River Seguin at the foot of Seguin Street, thence northerly along said eastern bank of said river to the easterly limit of said town, thence southerly along the easterly limit of said town to the intersection of Bowes Street produced, thence westerly along said Bowes Street to River Street, thence southerly along said River Street to the place of beginning; and the East Ward shall be composed of that portion of the said town lying east of the River Seguin described and bounded as follows:—On the west and south by the River Seguin and the waters of Parry Sound Harbor; on the north by Bowes Street, till said street produced



produced intersects the easterly limit of said town; thence southerly along the easterly limit of said town to the road allowance between the townships of McDougall and Foley; thence westerly along said road allowance to the waters of Parry Sound Harbor; including also lots numbers one hundred and forty-nine and one hundred and fifty in concession "A" of the township of Foley.

Acts respecting municipal institutions to apply.

4. Except as otherwise provided by this Act, the provisions of *The Consolidated Municipal Act, 1883*, and of any Act amending the same, with regard to matters consequent upon the formation of new corporations, shall apply to the said town of Parry Sound, in the same manner as if the said district had been an incorporated village and had been erected into a town under the provisions of the said Acts.

Ward improvements.

5. The annual appropriations for ward improvements in each ward, after paying the usual and necessary expenses of the said municipality, shall be not less than the *pro rata* share of each of said wards as shewn by the assessment roll, unless the councillors for all the wards agree to a larger outlay in one or more wards; and no special rate for which the vote of the ratepayers is by law necessary, shall be imposed in any one ward for debentures or otherwise, without the assent of the majority of the electors of said ward expressed by said vote.

Nomination for first election.

6. On the third Wednesday after the passing of this Act it shall be lawful for the Stipendiary Magistrate for the time being of the District of Parry Sound, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor and councillors, at the Court House in the said town of Parry Sound; and he shall give at least one week's notice thereof, by causing at least three notices to be posted up in conspicuous places in each of the said wards, and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer, and the polling for the said election, if necessary, shall be held on the same day of the week in the week following the said nomination; and the returning officer or chairman shall at the close of the nomination, publicly announce the place in each ward at which the polling shall take place.

Deputy returning officers.

7. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards into which the said town is divided; and such returning officer and each of such deputy-returning officers shall, before holding the said election take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers at elections in towns, in so far as the same do not conflict with  
this

this Act; and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns.

8. The clerks of the municipalities of McDougall and Foley and any other officer thereof shall, upon demand made upon him by the said returning officer, or any other officer of the said town, or by the chairman hereinbefore mentioned, at once furnish such returning officer, or chairman, with a certified copy of so much of the last revised assessment roll for the said municipality as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collector's roll, document, statement, writing or deed, that may be required for that purpose; and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Copies of  
assessment  
rolls to be  
furnished.

9. The council of said town, to be elected in manner aforesaid, shall consist of the mayor, who shall be the head thereof, and six councillors, two councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the said nomination; and subsequent elections shall be held in the same manner, and the qualification of mayor and councillors and for electors at such subsequent elections shall be the same as in towns incorporated under the provisions of *The Consolidated Municipal Act, 1883*, and any Act amending the same; and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Council.

10. The said several persons who shall be elected or appointed under this Act shall take declarations of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns.

Oaths of office  
and qualifica-  
tion.

11. At the first election of mayor and councillors for the said town of Parry Sound, the qualification of electors, and that of officers required to qualify, shall be the same as that required in the case of incorporated villages.

Qualification  
at first elec-  
tion.

12. The expenses incurred to obtain this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town, or otherwise, shall be borne by the said town and paid by it to any party entitled thereto.

Expenses of  
Act.

13.

By-laws continued.

**13.** All by-laws which are in force in the municipalities of McDougall and Foley shall continue and be in force as if they had been passed by the corporation of the town of Parry Sound, and shall extend and have full effect within the limits of the town hereby incorporated until repealed by the new corporation.

Apportionment of property and liabilities.

**14.** Except as otherwise provided by this Act, the property, assets, debts, liabilities and obligations of the municipalities of McDougall and Foley, shall be apportioned between the said municipalities of McDougall and Foley and the said town of Parry Sound, as may be agreed upon; and in case of no agreement, then by the award of three arbitrators, or a majority of them, one of such arbitrators being appointed by the said municipalities of McDougall and Foley, conjointly, and one by the town of Parry Sound, and the third being chosen by the said two; and if from any cause whatever either the said municipalities of McDougall and Foley or the said town of Parry Sound shall not have appointed an arbitrator within two months after the other of them has appointed an arbitrator, then the Lieutenant-Governor in Council shall appoint an arbitrator on behalf of the municipality or municipalities so making default, and the two so appointed shall choose a third; and if they shall not agree upon such third arbitrator, then the Lieutenant-Governor in Council shall appoint such third arbitrator, and the award of the said arbitrators, or of a majority of them, shall be as valid and binding in all respects as if the said arbitrators had been regularly appointed by the said municipalities.

Collection of arrears of taxes.

**15.** Arrears of taxes due to the said corporation of the town of Parry Sound shall be collected and managed in the same way as the arrears due to towns separated from counties, and the mayor and treasurer of the said town shall perform the like duties in the collection and management of arrears of taxes as are performed by the said officers in other towns in Ontario separated from counties, and the various provisions of law relating to sales of land for arrears of taxes, or to deeds given therefor, shall apply to the said corporation of the town of Parry Sound, and to sales of land therein for arrears of taxes due thereon and to deeds given therefor, subject to the provisions of section 31 of chapter 175 of the Revised Statutes of Ontario.

Assessment for 1887.

**16.** The council of the said town may pass a by-law for taking the assessment of the said town for the year from first January to thirty-first December, 1887, between the first day of April and the first day of August, 1887. If any such by-law extends the time for making and completing the assessment rolls beyond the first day of June next, then the time for closing the Court of Revision shall be six weeks from  
the



the day to which such time is extended, and the final return by the Stipendiary Magistrate twelve weeks from that day.

**17.** Until there shall be a resident Judge at Parry Sound for the District of Parry Sound, the Stipendiary Magistrate of the said District for the time being, shall have and exercise all powers of the Judge of the County Court under the existing municipal laws of the Province of Ontario. Powers of stipendiary magistrates.

**18.** Nothing contained in this Act shall free the portions of the townships or wards comprising the municipality of the town of Parry Sound hereby formed, from their proportion of any liability now existing against the municipalities of McDougall and Foley, and the creditors of the said municipalities of McDougall and Foley shall continue to have all the rights and remedies which they had previous to the passing of this Act for the enforcement of their claims against the townships and wards heretofore composing the said municipalities of McDougall and Foley. Liabilities not affected.

## CHAPTER 62.

An Act relating to the Municipality of Rat Portage.

*[Assented to 23rd April, 1887.]*

**W**HEREAS the Minnesota and Ontario Lumber Company, Messrs. Cameron and Kennedy, and F. T. Bulmer and Company, mill proprietors, in the municipality of Rat Portage, in the District of Rainy River, have represented to the council of the municipality of Rat Portage, that the taxation under the municipal law bears inequitably upon them in view of the value of their property, and the distance thereof from the village of Rat Portage, and an agreement has been arrived at between the said proprietors and the said municipality, and the said proprietors have prayed that the same may be given effect to, and it is expedient to grant such relief ; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

**1.** The municipality of Rat Portage, shall for the year 1887, and for the nine succeeding years thereafter, allow and remit to the Minnesota and Ontario Lumber Company, Messrs. Cameron and Kennedy, and F. T. Bulmer and Company, their respective legal representatives and assigns, in respect of the mill-buildings, machinery and plant belonging to the said parties respectively, within the said municipality of Rat Portage, Remission of taxes of mill buildings, etc., of Minnesota and Ontario Lumber Company et al.  
west

west of the second outlet of the Lake of the Woods, known as the Winnipeg River, after the rate of taxation for the year 1887, and each such succeeding year from time to time, shall have been settled, one-half of the amount of the taxes assessed upon and leviable against their said property, inclusive of the rate for debenture debt existing at the time of the passing of this Act, but exclusive of the taxes for school purposes which shall be collected as heretofore.

Exemption of  
logs from tax-  
ation.

2. During the years aforesaid the logs brought and to be hereafter brought to the said mills of the parties aforesaid, and the stock manufactured, or which shall be hereafter from time to time manufactured, from logs to be brought to the said mills respectively, shall be totally exempted from taxation.

Exemption  
from rate for  
payment of  
debentures.

3. The said, the Minnesota and Ontario Lumber Company, Messrs. Cameron and Kennedy and F. T. Bulmer and Company, mill proprietors, aforesaid, shall not be liable to assessment in respect of the logs and lumber, and the mill-buildings, machinery and plant aforesaid, for any rate to be hereafter struck for the purpose of raising money for the payment of debentures, which may hereafter be issued by the municipality of Rat Portage, unless the by-law under which such debentures shall be issued shall have been voted on and supported by a majority of the ratepayers of the said municipality of Rat Portage assessed in respect of property west of the said second outlet of the Lake of the Woods, or unless such debentures are for the purpose of paying for local improvements, made or to be made, in the said municipality of Rat Portage, west of the said second outlet of the Lake of the Woods.

Company not  
entitled to any  
interest in im-  
provements to  
which they  
have not con-  
tributed.

4. The said, the Minnesota and Ontario Lumber Company, Messrs. Cameron and Kennedy and F. T. Bulmer and Company, their legal representatives or assigns of their said properties, shall not hereafter be entitled to any interest or share in any improvements or property of or in the said municipality, to the expenditure for making or acquiring whereof they shall not have contributed through the rates.

Adjustment of  
rates by muni-  
cipality.

5. The said municipality of Rat Portage, in fixing the annual rates of taxation, shall take into consideration the right of the proprietors aforesaid, to the remission and exemption from taxation hereinbefore mentioned, and may adjust the said rates accordingly.

Rights of  
debenture-  
holders not  
affected.

6. Nothing in this Act shall affect the rights of the holders of debentures now in existence.

## CHAPTER 63.

## An Act to Legalize certain By-Laws of the Town of Sarnia.

[Assented to 23rd April, 1887.]

WHEREAS the corporation of the town of Sarnia by Preamble.  
 their petition have represented that on the third day of May, 1886, they did pass certain by-laws, numbered 279 and 281, after the said by-laws had been duly approved by the ratepayers, that by-law number 279 was passed to raise the sum of \$20,000 for the construction of a main sewer in the said town, and by-law number 281 to raise the sum of \$3,800 to purchase certain shares of the capital stock of the Sarnia and Florence Road Company, and that they have issued debentures under the aforesaid by-laws; and whereas doubts have arisen as to the validity of the said by-laws, and they have prayed that an Act may be passed to render the said by-laws valid and legal; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The aforesaid by-laws, numbers 279 and 281 of the municipal council of the corporation of the town of Sarnia, are hereby confirmed and declared legal and valid to all intents and purposes, and the debentures issued under the said by-laws declared valid and binding upon the said corporation of the town of Sarnia and the ratepayers thereof. By-laws 279 and 281 confirmed.

## CHAPTER 64.

## An Act to incorporate the Town of Sault Ste. Marie.

[Assented to 23rd April, 1887.]

WHEREAS it is expected that the lands hereinafter Preamble.  
 described will rapidly increase in population upon the construction of a line of railway to them, and that such line of railway will shortly be completed, and that various manufactories will utilize the unimproved water power included in their limits; and whereas the residents and ratepayers of the said lands have petitioned to be separated from the municipality of Sault Ste. Marie and formed into a corporate town, and the council of the municipality of Sault Ste. Marie have  
 by



by their petition set forth that the incorporation of the said lands as a town would tend to its advancement and empower its ratepayers to make the most desirable regulations for the protection and improvement of property and have prayed for its incorporation accordingly ; and whereas it is expedient to grant the prayers of the said petitions ;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :—

Town of Sault  
Ste. Marie,  
incorporated.

**1.** On and after the passing of this Act the lands herein-after described shall be separated from the municipality of Sault Ste. Marie, and the residents and ratepayers thereof shall be, and they hereby are, constituted a corporation or body politic under the name of “The Corporation of the Town of Sault Ste. Marie” and shall have all the rights, powers and privileges enjoyed and exercised by incorporated towns separated from counties in the Province of Ontario under the existing municipal laws of the said Province, except where otherwise provided by this Act.

Limits of  
Town.

**2.** The said town of Sault Ste. Marie shall comprise and consist of the following lands that is to say :—The town plot of Sault Ste. Marie and the broken front lying south and in front of Portage Street in the said town plot according to survey of A. Vidal, P. L. S.; the park lots adjoining the said town plot also according to survey of A. Vidal, P. L. S., save and except lots numbers one to six inclusive, in the fourth concession thereof ; the broken township of St. Mary ; broken section number one in the township of Awenge ; and all the islands and waters, or land covered with water, in the River St. Mary, lying to the south and west and south and east in front of or immediately adjacent to the above described lands and north of the International boundary between Canada and the United States of America.

Wards.

**3.** The said town shall be divided into two wards to be called respectively the first and second wards. The first ward shall comprise and consist of all the land within the said town of Sault Ste. Marie lying west of the following described line :—Commencing at the intersection of the northern boundary of the park lots ten and eleven in the third concession of the said park lots adjoining the town plot of Sault Ste. Marie, with the division line between said lots ten and eleven ; thence south and along the division line between said lots ten and eleven in the third concession and lots ten and eleven in the second concession, to the intersection of the centre line of Wellington Street ; thence west and along said centre line to the intersection of the centre line of East Street produced ; thence south-westerly and following the said centre line of East Street and the production thereof, to the intersection of the International boundary line between Canada and

and the United States of America. The second ward shall comprise and consist of all the land within the said town of Sault Ste. Marie lying east of the said above described line.

4. Except where otherwise provided by this Act the provisions of *The Consolidated Municipal Act, 1883*, and of any Act amending the same, with regard to matters consequent upon the formation of new corporations, shall apply to the said town of Sault Ste. Marie in the same manner as if the said lands had been an incorporated village and had been erected into a town under the provisions of the said Acts.

Acts respecting municipal institutions to apply.

5. On the ninth day of May, 1887, it shall be lawful for the sheriff of the District of Algoma, who is hereby appointed the returning officer, to hold the nomination for the first election of mayor and councillors at Dawson's Hall in the said town of Sault Ste. Marie, having first caused one week's notice thereof to be posted up in three conspicuous places in each of said wards; and he shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, if necessary, shall be held on the same day of the week in the week following the nomination; and the returning officer or chairman shall at the close of the nomination publicly announce the place in each ward at which the polling shall take place.

Nomination for first election.

6. The said returning officer shall by his warrant appoint a deputy-returning officer for each of the wards into which the said town is divided; and such returning officer and each of such deputy-returning officers shall, before holding the said election, take the oath or affirmation required by law and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers and deputy-returning officers at elections in towns, in so far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns.

Oaths of returning officer and deputy returning officers.

7. The clerk of the said municipality of Sault Ste. Marie and any other officer thereof shall, upon demand made upon him by the said returning officer or any officer of the said town, or by the chairman hereinbefore mentioned, at once furnish such returning officer, officer or chairman with a certified copy of so much of the last revised assessment roll for the said municipality of Sault Ste. Marie, as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collector's roll, document, statement, writing or deed that may be required for that purpose, and the said returning officer shall furnish each of the said

Copy of assessment roll to be furnished on demand of returning or other officer.

deputies

deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Council.

8. The council of said town, to be elected in manner aforesaid, shall consist of the mayor who shall be the head thereof, and six councillors, three councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling, or if there be no polling, on the same day of the week next following the week of the said nomination; and subsequent elections shall be held in the same manner; and the qualification of mayor and councillors and for electors at such subsequent elections shall be the same as in towns incorporated under the provisions of *The Consolidated Municipal Act, 1883*, and any Act amending the same; and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in councils of towns separated from counties, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Oaths of office and qualification.

9. The several persons who shall be elected or appointed under this Act shall take declarations of office and qualification now required by the municipal laws of the Province of Ontario to be taken by persons elected or appointed to like offices in towns.

Qualification at first election.

10. At the first election of mayor and councillors for the said town of Sault Ste. Marie the qualification of mayor and councillors, of officers required to qualify and of electors, shall be the same as that required in the municipality of Sault Ste. Marie.

Expenses of Act.

11. The expenses incurred to obtain this Act and of furnishing any documents, copies of papers, writings, deeds or any matters whatsoever required by the clerk or other officer of the said town, or otherwise, shall be borne by the said town and paid by it to any party that may be entitled thereto.

By-laws continued.

12. All by-laws which are in force in the municipality of Sault Ste. Marie shall continue to be in force as if they had been passed by the corporation of the town of Sault Ste. Marie, and shall extend and have full effect within the limits of the town hereby incorporated until repealed by the new corporation.

Property and obligations.

13. Except as otherwise provided by this Act the property, assets, debts, liabilities, and obligations of the municipality of Sault Ste. Marie shall be apportioned between the said municipality of Sault Ste. Marie and the said town of Sault Ste. Marie



Marie as may be agreed upon; and in case of no agreement then by the award of three arbitrators or a majority of them, one of such arbitrators being appointed by each of the said municipalities of Sault Ste. Marie and the town of Sault Ste. Marie, and the third being chosen by the said two; and if from any cause whatever either of the said municipalities shall not have appointed an arbitrator within three months after the other of them has appointed an arbitrator, then the Lieutenant-Governor in Council shall appoint an arbitrator on behalf of the municipality so making default, and the two so appointed shall choose a third; and if they shall not agree upon such third arbitrator, then the Lieutenant-Governor in Council shall appoint such third arbitrator, and the award of the said arbitrators, or a majority of them, shall be as valid and binding in all respects as if the said arbitrators had been regularly appointed by the said respective municipalities.

**14.** Arrears of taxes due to the said corporation of the town of Sault Ste. Marie shall be collected and managed in the same way as the arrears due to towns separated from counties, and the mayor and treasurer of the said town shall perform the like duties in the collection and management of arrears of taxes as are performed by the said officer in other towns in Ontario separated from counties, and the various provisions of law relating to sales of land for arrears of taxes, or to deeds given therefor, shall apply to the said corporation of the town of Sault Ste. Marie and to sales of land therein for arrears of taxes due thereon and to deeds given therefor. Collection of arrears of taxes.

**15.** The council of the said town may pass a by-law for taking the assessment of the said town for the year from the first of January to the thirty-first of December, 1887, between the first day of April and the first day of August, 1887; and if any such by-law extends the time for making and completing the assessment rolls beyond the first day of June, 1887, then the time for closing the Court of Revision shall be six weeks from the day to which such time is extended, and the final return by the Judge twelve weeks from that day. Assessment for 1887.

**16.** Nothing contained in this Act shall free the townships or wards comprising the municipality of the town of Sault Ste. Marie hereby formed from any liability now existing against the municipality of Sault Ste. Marie, and the creditors of the said municipality of Sault Ste. Marie shall continue to have all the rights and remedies which they had previous to the passing of this Act, for the enforcement of their claims against the townships and wards heretofore comprising the said municipality of Sault Ste. Marie. Existing liabilities not affected.

**17.** All provisions of law relating to the municipality of Sault Ste. Marie, and inconsistent with this Act shall not apply Inconsistent provisions of law relating to the municipality of Sault

Ste. Marie  
not to affect  
town.

apply to the town of Sault Ste. Marie, or the lands within the limits of the said town.

Local im-  
provements.

18. All expenditure in the municipality for the improvements and services for any class or classes of improvement, or service for which special provisions are made in sections 612 and 624 of *The Consolidated Municipal Act, 1883*, and amendments thereto, shall be by special assessment on the property benefited and not exempt by law from assessment.

## CHAPTER 65.

An Act to declare and define the correct boundary between the Township of Smith and the Town of Peterborough.

[Assented to 23rd April, 1887.]

Preamble.

WHEREAS the Lieutenant-Governor of the Province of Ontario, on the application of the town of Peterborough, by his proclamation dated the 27th day of April, 1872, duly published in the *Ontario Gazette*, added to the town of Peterborough a portion of the township of Smith, in the county of Peterborough, described in the said proclamation as follows:—Commencing at the northern extremity of Reid Street in the town of Peterborough, thence in a north-easterly direction and along the newly opened road (leading from the said northern extremity of Reid Street to the communication road in the said township of Smith) to the said communication road, thence northerly along the said communication road to the northern limit of the south half of township lot number three east of the said communication road; thence easterly along the said northern limit of the said south half of the said township lot number three, to the road or road allowance in the rear of the range of lots on the east of the communication road; thence in a north-westerly direction along such road, or road allowance, to the concession line between the first and second concessions of the said township of Smith; thence easterly along the said concession line to where the same will strike the waters of the River Otonabee; and whereas such description is erroneous and impossible, and it was intended by the said town of Peterborough to extend their limits only to the northern limit of the south half of lot number one east of the said communication road, and the said town of Peterborough and the said township of Smith have always treated the said intended limit as the true and correct limit; and whereas it is expedient to correct such erroneous description and correctly define the limit between the said town and township;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The true and correct boundary between the town of Peterborough and the township of Smith is declared to be as follows: Commencing at the northern extremity of Reid Street in the town of Peterborough, thence in a north-easterly direction and along the newly opened road (leading from the said northern extremity of Reid Street to the communication road in the said township of Smith) to the said communication road, thence northerly along the said communication road to the northern limit of the south half of township lot number one east of the said communication road, thence easterly along the said northern limit of the said south half of the said township lot number one, to the road or road allowance in the rear of the range of lots on the east of the communication road; thence in a north-westerly direction along such road or road allowance to the concession line between the first and second concessions of the said township of Smith; thence easterly along the said concession line to where the same will strike the waters of the River Otonabee, and the same is hereby declared to be the limit intended by the said Proclamation, which shall be read and construed as if the same were contained therein.

True boundary between town of Peterborough and township of Smith defined.

## CHAPTER 66.

### An Act respecting the City of Stratford.

[Assented to 23rd April, 1887.]

WHEREAS the city of Stratford, by a by-law No. 410, Preamble, dated the sixth day of September, in the year of our Lord 1886, granted a bonus of \$120,000 to aid and assist the Grand Trunk Railway Company of Canada, which said bonus was to be raised by issuing, as required in accordance with the terms of their agreement with the said the Grand Trunk Railway Company of Canada, debentures payable in twenty years from the first day of January, in the year of our Lord 1887; and whereas the said city of Stratford, by virtue of their Act of incorporation, entitled *An Act to incorporate the City of Stratford and for other purposes*, being chapter 72 of the Acts passed by the Legislative Assembly of the Province of Ontario, in the forty-eighth year of Her Majesty's Reign, obtained the power of consolidating the greater part of their municipal debt, and issuing therefor debentures to the amount of \$215,000, payable in thirty years



from the date thereof; and whereas the said by-law was duly voted on and approved by the electors of the said city, and it is desirable that the same should be confirmed with the amendment hereinafter expressed; and whereas the municipal council of the said city of Stratford has petitioned that an Act be passed extending the time of payment of the debentures to be issued in pursuance of the said bonus by-law to thirty years from the date thereof, instead of as expressed in said by-law, and that said by-law be amended in that respect, and also by providing a sinking fund of one per centum per annum, to be raised to meet the payment of the said debentures instead of as therein expressed; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

By-law 410,  
clause 1,  
amended.

1. The said by-law of the city of Stratford is hereby amended by substituting in clause three thereof the word "thirty" for the word "twenty."

By-law 410,  
clause 5,  
amended.

2. The said by-law is hereby further amended by the substitution for clause five thereof of the following:—"That the said annual sum of \$6,000 for the payment of the interest upon said sum of \$120,000, shall be raised and levied in each year by special rate sufficient therefor on all the ratable property in the said municipality, in addition to all other rates during the continuance of the said debentures, or any of them, and a further special rate per annum over and above all other rates, shall be raised and levied on all said ratable property which shall be sufficient to form a sinking fund of one per centum per annum, to meet the payment of the principal of said debentures."

48 V. c. 72. s.  
14, amended.

3. Section 14 of the said Act entitled *An Act to incorporate the City of Stratford and for other purposes*, passed in the forty-eighth year of the Reign of Her Majesty, chapter 72, is hereby amended by substituting the words "three-hundred and thirty-five thousand dollars" in lieu and stead of the words "two hundred and fifteen thousand dollars."

Application of  
additional sum  
of \$120,000.

4. The additional sum of \$120,000, authorized by the last preceding section hereof, shall only be raised, and debentures be issued therefor by said city of Stratford in the event of the same being required, and so far only as the same may be required to carry out from time to time the provisions of the said by-law No. 410, as amended, and no further, and the proceeds thereof shall be applied only as required by said by-law and in no other manner and for no other purpose whatsoever.

By-law 410  
confirmed.

5. The said by-law No. 410 of the city of Stratford is hereby, as amended, declared to be valid and binding in every respect.

CHAPTER

## CHAPTER 67.

An Act to Confirm and Establish a certain Survey of part of the Township of Sunnidale in the County of Simcoe.

*[Assented to 23rd April, 1887.]*

WHEREAS, in the original survey of the township of Sunnidale performed by deputy surveyor, Thomas Kelly, under instructions from the Surveyor General dated, the fifteenth day of August, 1831, and the ninth of August, 1832, that portion lying between the Sunnidale road lots and the eastern boundary of the township in concessions numbers one to eight inclusive, was either not surveyed or the survey was obliterated; and whereas about the year 1861 a private survey of part of the said portion was made by provincial land surveyor William Sanders, by which some of the inhabitants made their improvements; and whereas in compliance with the petition of the municipal council of the corporation of the township of Sunnidale, dated the twenty-second of August, 1868, instructions were issued by the Commissioner of Crown Lands to provincial land surveyor Henry Creswicke, Junior, dated the fifteenth of January, 1869, to survey the easterly part of the township of Sunnidale and to plant monuments at the front angles of the lots along the concession lines; and whereas the said Henry Creswicke, Junior, on making the survey in accordance with the provisions of chapter 66 of the Consolidated Statutes of Canada (now chapter 146 of the Revised Statutes of Ontario) found that great injury would accrue to many of the inhabitants if said survey was carried out or confirmed, owing to their having made their improvements according to the survey by provincial land surveyor Sanders aforesaid; and whereas the said Henry Creswicke, Junior, was instructed in the year 1872 by the Commissioner of Crown Lands to make certain modifications in his survey, by which the said inhabitants would, as nearly as possible, occupy the lands cleared by them; and whereas the said Henry Creswicke, Junior, made said modifications and planted posts at the angles of the lots on the concession lines aforesaid; and whereas at a public meeting held at New Lowell, in the township of Sunnidale, on the twenty-seventh of October, 1881, in pursuance of a public notice thereof, attended by sixty owners of land interested, it was resolved that the survey by the said Henry Creswicke, Junior, was satisfactory so far as it related to the first, sixth, seventh and eighth concessions; and whereas there was a conflict of opinion as to the limits between certain lots in the second, third, fourth and fifth concessions, which differences of opinion have been since satisfactorily settled, and  
whereas.

whereas it is expedient that the said survey be established and confirmed except in the matter of certain changes hereinafter mentioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Survey of Oct. 21, 1872, confirmed as to the part of Sunnidale between the Sunnidale road lots and the eastern boundary of the township, in concessions one to eight, with certain exceptions.

1. Save and except as hereafter mentioned the survey of that part of the township of Sunnidale, made by provincial land surveyor Henry Creswicke, Junior, under instructions from the Commissioner of Crown Lands, dated the twenty-first of October, 1872, that is to say, that portion lying between the Sunnidale road lots and the eastern boundary of the township in concessions numbers one to eight inclusive, is hereby declared to be the true and unalterable survey thereof, and all posts or monuments placed or planted at the front angles of the lots by the said Henry Creswicke, Junior, are hereby declared to be the true and unalterable boundaries thereof, and the course of the division or side lines of the lots shall be governed by the course of the proof line run by the said Henry Creswicke, Junior, between lots numbers eighteen and nineteen, through the several concessions.

Provisions as to lots between Sunnidale road and road allowance between lots 21 and 22 in second concession.

2. Where the owners of land lying between the Sunnidale road and side-road allowance between lots numbers twenty-one and twenty-two, have agreed to have the limits of their lots drawn from posts or monuments planted as shewn on a plan of record in the Department of Crown Lands, that is to say, lots numbers seventeen, eighteen, nineteen, twenty and twenty-one in the second concession, and lots numbers twenty-five and twenty-six on the Sunnidale road, the side lines of the above named lots, and the rear lines of the Sunnidale road lots above mentioned shall be drawn from posts planted on the front of the second concession, as shewn on plan aforesaid.

Side-lines of lots 17 and 18 and 19-21, in third concession.

3. In the case of the lots in the third concession lying between the Sunnidale road and side road allowance between lots numbers twenty-one and twenty-two, the side lines of lots seventeen and eighteen shall be drawn from posts or monuments planted in front and rear, as shewn on the plan aforesaid, and the side lines of lots numbers nineteen, twenty, and twenty-one, shall be drawn from posts or monuments planted at the front angles of the lots, as shewn on the plan aforesaid.

Side-lines of lots 17 and 18, in fourth concession.

4. In the case of the lots in the fourth concession lying between the Sunnidale road and side road allowance between lots numbers eighteen and nineteen, the side lines of lots numbers seventeen and eighteen and the rear line of the Sunnidale road lots, shall be drawn from posts or monuments planted at the front and rear angles of the lots, as shewn on plan aforesaid.

5.



5. In the case of the lots in the fifth concession lying between the Sunnidale road and the side-road allowance between lots numbers eighteen and nineteen, the side-lines of the lots numbers seventeen and eighteen and the rear line of the Sunnidale road lots, shall be drawn from the posts or monuments planted at the front angles of the lots, as shewn on plan aforesaid.

Side-lines of lots 17 and 18, in fifth concession.

6. The westerly limit of lot letter Z, in concessions one to five inclusive shall be the line drawn from the posts or monuments planted between said lot letter Z, and lot number twenty-four in front of the first concession, and between said lot letter Z, and lot number twenty-three in the second concession, and from the posts or monuments planted between said lot letter Z and lot number twenty-three in the third concession, and said lot letter Z and lot twenty-one in the fourth concession, and the limit between said lot letter Z and lot number twenty-one in the fifth concession shall be a line drawn on the same course as the last mentioned limit from the post or monument planted between said lot letter Z and lot number twenty-one in front of said fifth concession.

Westerly limit of lot letter Z, in concessions one to five.

7. A certified copy of plan of survey of that part of the township of Sunnidale hereinbefore referred to shall be deposited by the Commissioner of Crown Lands in the registry office of the county of Simcoe immediately after this Act comes in force.

Plan of survey to be deposited in registry office of county of Simcoe.

8. The survey of the town plot of Rippon, situated on parts of lots numbers twenty-two and twenty-three in said first concession of Sunnidale, as laid out by provincial land surveyor William Hawkins, under instructions from the Surveyor General, dated the thirtieth of May, 1833, never having been acted on, is hereby done away with, save and except so far as relates to lot number eleven, Essa Street, patented to one James F. Smith, on the fifth of December, 1836, and to lot number twelve, Essa Street, patented to one John Bingham, on the twenty-third of November, 1835.

Survey of town plot of Rippon cancelled.

Exceptions.

9. Any party who by reason of this Act suffers any injury or damage, shall be compensated by the party or parties benefited by such change; the compensation so to be paid, and the persons to pay and receive the same, shall be ascertained by a sworn provincial land surveyor appointed by the Commissioner of Crown Lands, and his decision, when approved of by the Commissioner of Crown Lands, shall be final.

Compensation to parties injured by Act.

## CHAPTER 68.

## An Act to incorporate the Town of Thornbury.

[Assented to 23rd April, 1887.]

Preamble.

WHEREAS the unincorporated village of Thornbury, in the township of Collingwood, in the county of Grey, has a population of one thousand souls, or thereabouts; and whereas the population of the said village is increasing, and will continue to increase in consequence of being on the line of the North Grey Railway, and from other causes; and whereas the inhabitants of the said village have, by their petition represented that they are desirous of having the said village incorporated as a town, in order the better to enable them to carry out certain necessary improvements, which can be more readily effected under the powers granted to towns; and whereas it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Town incorporated.

1. From and after the holding of the first election under this Act, the inhabitants of the said village of Thornbury shall be and they are hereby constituted a corporation or body politic, under the name of "The Corporation of the Town of Thornbury," apart from the township of Collingwood, in which the said village is situate, and shall enjoy and have all the rights, powers and privileges which could have been enjoyed and exercised by the said town of Thornbury if the same had been incorporated as a town under *The Consolidated Municipal Act, 1883*, except where otherwise provided by this Act.

Limits of town.

2. The said town of Thornbury shall comprise and consist of all that part of the said township of Collingwood, described as follows:—Starting at a point on the lake shore, at a depth of sixteen feet of water, in a line with the centre of Russell Street, thence westerly along the centre line of said Russell Street, to the intersection of the line between the tenth and eleventh concessions of the said township; thence northerly following the said line between the tenth and eleventh concessions to the intersection of the centre line of Peel Street; thence easterly along the centre line of said Peel Street to the lake shore, and continuing on the same course till a depth of sixteen feet of water is found; thence following the lake shore (but at such a distance therefrom as to include within the limits of said incorporation a depth of sixteen feet of water) to the intersection with the centre line of the said Russell Street at the place of beginning, and comprising within the

the said limits the town plot of Thornbury, all the land lying between Bay Street in the said town plot and the lake, and the Mill Reserve within the said town plot.

**3.** The said town of Thornbury shall be divided into three Wards, wards, to be called respectively, East Ward, North Ward, and South Ward ;

1. East Ward shall be composed of that part of the said town described as follows:—Commencing at the lake shore and continuing westerly along the centre line of the said Russell Street to the centre of the Beaver River ; thence following the centre of said Beaver River to the lake ; thence easterly along the lake shore to the place of beginning.

2. North Ward shall be composed of that part of the said town described as follows:—Commencing at a point on the lake shore on a line with the centre of the said Beaver River ; thence south-westerly along the centre of the said Beaver River to the intersection of the centre line of Alice Street ; thence north-westerly along the centre line of said Alice Street to the intersection of the centre line of Peel Street ; thence easterly along the centre line of said Peel Street to the lake shore ; thence south-westerly along the lake shore to the place of beginning.

3. South Ward shall be composed of that part of the said town described as follows:—Commencing at a point in the centre of the said Beaver River at the intersection of the centre line of the said Alice Street ; thence south-westerly along the centre of the said Beaver River to the intersection of the centre line of the said Russell Street ; thence westerly along the centre line of the said Russell Street to the intersection of the line between the tenth and eleventh concessions of the said township ; thence northerly along the line between the said tenth and eleventh concessions to the intersection of the centre line of said Peel Street ; thence easterly along the centre line of the said Peel Street to the intersection of the centre line of the said Alice Street ; thence south-easterly along the centre line of the said Alice Street to the place of beginning.

**4.** After the passing of this Act it shall be lawful for Edward Rorke who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, reeve, and councillors, at the Music Hall in the said town of Thornbury, at the hour of noon, on the second day of May, 1887, of which he shall give at least one week's notice, in the two newspapers published in the said town, and by a like notice, in writing, posted up in at least two of the most public places in each of wards of the said town ; and the said Edward Rorke shall preside at the said nomination, or in case of his absence the electors present shall choose from among themselves a chairman to  
 Nomination  
 for first elec-  
 tion of mayor  
 and council-  
 lors.  
 preside



preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, if necessary, shall be held on the same day of the week next following; and the returning officer or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling is to take place.

Deputy  
returning  
officers.

5. The said returning officer shall, by his warrant, appoint a deputy returning officer for each of the wards into which the said town is divided; and such returning officer and each of such deputy returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario, applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform the several duties devolving on town clerks with respect to municipal elections in towns.

Clerk of town-  
ship of Colling-  
wood to  
furnish copy  
of assessment  
roll.

6. The clerk of the said township of Collingwood and any other officer thereof shall, upon demand made upon him by the said returning officer, or any other officer of the said town, or by the chairman hereinbefore mentioned, at once furnish such returning officer, officers or chairman, with a certified copy of so much of the last revised assessment roll for the said village and township as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election, or with the collector's roll, document, statement, writing or deed that may be required for that purpose; and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of the electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

Council.

7. The council of the said town, to be elected in manner aforesaid, shall consist of a mayor, who shall be the head thereof, a reeve and nine councillors, three councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling; or, if there be no polling, on the same day of the next week following the week of nomination; and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of the municipal laws of Ontario; and the said council and their successors in office shall have, use, exercise and enjoy all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

Oaths of office  
and qualifica-  
tion.

8. The several persons who shall be elected or appointed under this Act shall take the declarations of office and qualification

cation now required by the municipal laws of Ontario, to be taken by persons elected or appointed to like office in towns.

9. At the first election of mayor, reeve and councillors for the said town of Thornbury, the qualifications of electors and that of the officers required to qualify, shall be the same as that required in townships by the municipal laws of Ontario; and the qualification of mayor shall be the same as that of a reeve in a township. Qualification at first election.

10. The council of the said town of Thornbury shall be entitled to recover from the said township of Collingwood such share of all moneys on hand, due, owing and of right collectable by and belonging to the said township at and prior to the said time of incorporation, or thereafter, if entitled thereto, as shall bear such proportion to the whole as the amount of the assessed property within the limits of the said town, as shewn by the collector's roll of the year 1886, bears to the whole amount of the assessed property of the said township of Collingwood, each to each, and the said town shall be liable to pay to the said township a share, in the same proportion, of all debts and liabilities existing against the said township at the time this Act shall come into force, as the same shall become due, and which are fairly and equitably chargeable against the said town; and in case of dispute the share to be borne by each respectively, shall be ascertained and settled under the provisions of the municipal laws of Ontario. Assets and liabilities.

11. The expenses incurred in obtaining this Act, and those of furnishing any documents, copies of papers, writings, deeds, or any matters whatsoever required by the clerk or other officer of the said town or otherwise, shall be borne by the said town, and paid by it to any party that may be entitled thereto. Expenses of Act.

## CHAPTER 69.

An Act vesting certain lands in the Corporation of the Town of Thorold for the purposes of a Cemetery.

*[Assented to 23rd April, 1887.]*

WHEREAS on the 18th day of March, 1802, Jacob Ball, the younger, of the township of Thorold, then in the county of Lincoln and district of Niagara, did grant unto Peter Lampman, Adam Hutt and George Miller, and to their successors in office, for and on behalf of the whole inhabitants of said county, the lands and premises therein described for the use of said inhabitants as a burying ground, and for the purpose of having

Preamble.

a

a church or chapel for the use of the Lutheran and Presbyterian persuasion, a school house, parsonage and burying ground on said land, and for no other purpose or use whatsoever, reserving to the said Jacob Ball and his heirs the free liberty of burying any of their family in said tract of land for ever; and whereas the said Peter Lampman and George Miller, trustees as aforesaid, departed this life, leaving the said Adam Hutt the sole surviving trustee; and whereas the said Adam Hutt, on the 6th day of October, 1836, did grant and convey unto Peter Lampman, George Hutt and Robert E. Burns, in said instrument named as trustees in the place and stead of the said Peter Lampman and George Miller, deceased, and of the said Adam Hutt, the lands and premises in said first referred to deed, save and except one acre thereof in said last mentioned deed described, to have and to hold the same upon the trusts set forth in said first referred to deed, and also set forth in last mentioned conveyance; and whereas on the 11th day of May, 1864, George Hutt, the sole surviving trustee appointed in and by the last hereinbefore referred to deed, by indenture bearing that date, duly nominated, constituted and appointed George Keefer and Frederick Lampman to hold said lands in common with him as joint trustees for the purpose of fulfilling the trusts in said before referred to deeds particularly set forth; and whereas on the 9th day of May, 1873, Thomas Brock Fuller, of the city of Toronto, by deed, in which Cynthia Fuller, his wife, joined for the purpose of barring her dower, granted and conveyed unto George Keefer and Frederick Lampman, two of the trustees in the lastly hereinbefore referred to deed mentioned, their co-trustee, George Hutt, having some time before that departed this life without having appointed any other person as his successor in office, the lands and premises therein described, to hold the said lands as trustees of the German church burial ground; and whereas on the 6th day of January, 1880, the said George Keefer and Frederick Lampman, the trustees in the conveyance from the said Thomas Brock Fuller, lastly before referred to, and the sole surviving trustees in the conveyance from George Hutt hereinbefore referred to, by indenture, granted and conveyed the lands and premises described as follows:—All and singular those certain parcels or tracts of land and premises situate, lying and being in the town of Thorold, in the county of Welland, described as follows: Firstly, commencing at the south-east corner of lot number six of the township of Thorold; thence west four chains and seventeen links; thence north twelve chains; thence east four chains and seventeen links; and thence south twelve chains to the place of beginning. Secondly, commencing in the eastern limit of said lot at a point twelve chains north from the south-east corner of said lot; thence north forty links along the eastern limit of said lot; thence west four chains and seventeen links; thence south parallel with the eastern limit of said lot forty links; thence east four chains and seventeen links to the place of beginning. Thirdly, commencing at a stone planted at the  
south-eas



south-east corner of said lot; thence east one chain; thence north twelve chains and fifty links; thence west one chain; and thence south twelve chains and fifty links to the place of beginning; said lands being composed of part of said lot number six and of part of the original allowance for road lying on the east side of said lot, excepting from said lands that portion thereof heretofore conveyed to the Minister of Public Works of Canada; unto the corporation of the town of Thorold their successors and assigns, to hold the same subject to the reservations and trusts upon which the said lands were held by the said Frederick Lampman and George Keefer; and whereas the said lands have been for many years used by the citizens of the town of Thorold exclusively as a public burying ground; and whereas the corporation of said town of Thorold, have by their petition, set forth that the lands hereinbefore particularly described, were conveyed to them upon the trusts hereinbefore set forth, and that said lands are now held by said corporation under the conveyances hereinbefore referred to, and have been used as a burying ground for all classes of citizens of said town, and that doubt has been cast upon the title to said lands of said corporation, and upon the right of said corporation to use said lands for the purposes of a general burying ground or cemetery in said town, and the said corporation has prayed that its title to said lands under such conveyances may be confirmed and made valid, and that the said corporation may be empowered to use said lands as a general burying ground or cemetery for the sole benefit of the inhabitants of the said town of Thorold, and that the said corporation may be authorized and empowered to pass all such by-laws and regulations as may be found necessary; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The title of the said corporation of the town of Thorold to the lands and premises hereinbefore particularly set forth and described, is hereby confirmed and made valid, and the said lands are hereby vested in the said corporation of said town of Thorold and its successors and assigns, to be held by the said corporation, in trust for the inhabitants of said town, for their sole and exclusive use as a cemetery or burying ground. Title to lands confirmed.

2. The said corporation of said town of Thorold, are hereby empowered from time to time to pass all by-laws and regulations which may be found necessary and proper for the carrying out of the purposes of this Act, and for the successful government of said cemetery or burying ground: provided always that such by-laws shall not be inconsistent with law, or contrary to the spirit of this Act. Power to pass by-laws.

## CHAPTER 70.

## An Act to incorporate the Village of Tilbury Centre.

[Assented to 23rd April, 1887.]

## Preamble.

**W**HEREAS the inhabitants of the village of Tilbury Centre have by their petition represented that the said village has a population of over eight hundred and fifty souls, and by reason of the rapid increase of the population of said village, and owing to its situation and location, which will likely cause it to attract the trade of a large, populous and wealthy section of country, and in compliance with a resolution passed at a public meeting duly convened to consider the matter of incorporation, and numerous attended, have prayed for its incorporation accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

## Village of Tilbury Centre, incorporated.

1. On and after the passing of this Act the inhabitants of the said village of Tilbury Centre, comprised within the boundaries in section 2 of this Act mentioned, shall be; and they are hereby constituted a corporation and body corporate, separate and apart from the townships of Tilbury East and Tilbury West, in which the said village is now situate, under the name of "The Corporation of the Village of Tilbury Centre," and shall enjoy all such rights, powers, and privileges as are now, or shall hereafter, be conferred upon incorporated villages in the Province of Ontario.

## Boundaries.

2. The said village of Tilbury Centre shall be contained within the following limits, namely:—Commencing at the north-east angle of lot number twenty-two, in the third concession of the township of Tilbury West; thence west, following the northerly limit of said lot twenty-two, seven chains, fifty links; thence south, parallel with the road allowance between said townships, fifty chains, more or less, to the centre line of the south half of lot twenty-two; thence west twenty-two chains, fifty links, more or less, to the limit between lots numbered twenty-one and twenty-two; thence south, following said limit, sixteen chains, sixty-seven links, more or less, to the north side of the fourth concession road; thence south, following said limit produced, and the limit between lots twenty-one and twenty-two in the fourth concession, thirty-six chains, eighty-nine links, more or less, to the north side of the road in rear of the middle road lots; thence south, following said limit produced and the limit between lots twenty-one and twenty-two north of the middle road, seventeen chains, sixty-seven

seven links, more or less, to the centre line of the north half of lot twenty-two; thence easterly, parallel with the said rear road, twenty-five chains, eighty-seven links, more or less, to the centre line of the east half of lot twenty-two; thence south, parallel with the town line, fifty chains, more or less, to the northerly limit of the middle road; thence easterly, following said northerly limit, eight chains, sixty-two links, more or less, to the west limit of the town line; thence easterly, following said northerly limit of the middle road, ten chains, eighty links, more or less, to the limit between lots twenty-seven and twenty-eight, north of the middle road, in the township of Tilbury East; thence north, following the limit between lots twenty-seven and twenty-eight, thirty-three chains, thirty-four links, more or less, to the centre line between the middle road and the road in the rear of the middle road lots; thence easterly, following said centre line, thirty-four chains, sixty links, more or less, to the limit between lots twenty-six and twenty-seven; thence north, following the limit between said lots and said limit produced, thirty-four chains, thirty-four links, more or less, to the northerly limit of the road in rear of the middle road lots; thence easterly, following said northerly limit, fifteen chains, eight links, more or less, to the limit between lots sixteen and seventeen in the fifth concession; thence north, forty-five degrees west, following the limit between lots sixteen and seventeen and said limit produced, seven chains, more or less, to the northerly limit of the fifth concession road; thence northerly, following the limit between lots sixteen and seventeen in the fourth concession, sixteen chains, sixty-seven links; thence south, forty-five degrees west, parallel with the fifth concession road, fifteen chains; thence north, forty-five degrees west, sixteen chains, sixty-seven links, more or less, to the centre line of the fourth concession; thence south, forty-five degrees west, parallel with the fifth concession road, seven chains, more or less, to a point seven chains and fifty links from the east side of the town line, and measured on a course at right angles to said town line; thence north, parallel with the aforesaid town line, forty-four chains, more or less, to the southerly limit of the fourth concession road; thence westerly, following said limit and said limit produced, twelve chains, more or less, to the west limit of the town line; thence north, following said west limit, seven chains, seven links, more or less, to the place of beginning; containing by admeasurement five hundred and seventy-seven acres, more or less.

3. Immediately after the passing of this Act it shall be lawful for Frederic Ernest Nelles, of the said village of Tilbury Centre, who is hereby appointed the returning officer, to hold the nomination for the first election of reeve and four councillors at Victoria Hall, or some other prominent place in the said village, at the hour of noon, and he shall give at least one week's notice thereof, by causing at least ten notices to be  
First election  
of council.  
posted



posted up in conspicuous places in said village, and one insertion in a newspaper published in the village; and he shall preside at such nomination, or in case of his absence the electors present shall choose from among themselves a chairman, who shall officiate and shall have all powers of a returning officer; and the polling for the said election, in the event of there being a poll required, shall be held on the same day of the week in the week next following the said nomination, and at the same place, and the duties of the returning officer shall be those prescribed by law with respect to incorporated villages.

Qualification  
of electors,  
etc.

4. At the first election the qualification of the electors, and of the reeve and councillors for the said village, shall be the same as that required in townships, and at all subsequent elections the qualification of the electors, reeve, councillors, and other officers, shall be the same as that required in incorporated villages.

Copies of as-  
sessment rolls  
to be furnished  
on demand of  
the returning  
officer.

5. The township clerks of the township of Tilbury East and the township of Tilbury West, shall furnish the returning officer, upon demand being made upon them for the same, with certified copies of so much of the last revised assessment rolls of the said townships as may be required to ascertain the names of persons entitled to vote at such first election, or with the collector's roll, or any other writing or statement that may be necessary for that purpose.

First meeting  
of council.

6. The reeve and councillors, so to be elected, shall hold their first meeting at Victoria Hall, in the said village, at the hour of noon, on the same day of the week in the week next following the polling, or if there be no polling on the same day of the week, in the week next following the nomination.

Acts respect-  
ing municipal  
institutions to  
apply unless  
otherwise pro-  
vided.

7. Except, as otherwise provided by this Act, the provisions of *The Consolidated Municipal Act, 1883*, and of all other general Acts respecting municipal institutions, with regard to matters consequent on the formation of new corporations and other provisions of the said Acts applicable to incorporated villages, shall apply to the village of Tilbury Centre, in the same manner as they would have been applicable, had the said village of Tilbury Centre been incorporated under the provisions of the said Act.

Payment of  
existing liabilities.

8. The said village of Tilbury Centre shall be liable to pay to the treasurer of each of the townships of Tilbury East and Tilbury West, in each and every year, such and the same proportion of any debts contracted by the said townships, or either of them, prior to the present year, as the amount of the assessed property for each township within the limits of the said village, as shewn by the assessment rolls of the said townships of Tilbury East and Tilbury West, for the year of Our  
Lord,

Lord, 1886, bears to the whole amount of the assessed property, of the said townships respectively, until such debts shall be fully satisfied, and the parts of the said village situated in the townships of Tilbury East and Tilbury West, respectively, shall contribute towards the payment of the said debts, in the same proportion as if this Act had not been passed, and for that purpose special rates shall be levied; and the council of the said village of Tilbury Centre shall be entitled to recover from the said townships of Tilbury East and Tilbury West respectively, such shares of all money on hand, due, or owing, or of right collectable by, and belonging to the said townships respectively, at and prior to the said time of incorporation, or thereafter, if entitled thereto, as shall bear such proportions to the whole, as the amounts of the assessed property within the limits of the said village, as shewn by the said assessment rolls of the year 1886 bear to the whole amount of the assessed property of the said townships respectively.

9. From and after the passing of this Act, the said village shall cease to form part of the townships of Tilbury East and Tilbury West, and shall, to all intents and purposes, form a separate and independent municipality in the county of Kent and said Province of Ontario, with all the rights, privileges, and jurisdiction of an incorporated village in Ontario, and shall for the purpose of elections to the Legislative Assembly of Ontario form part of the Electoral District of the West Riding of the county of Kent.

Village separated from townships of Tilbury East and Tilbury West.

10. The time for taking the assessment in the said village of Tilbury Centre for the year 1887, and for the return of the assessment roll to the clerk of the municipality is hereby extended to the first day of July, and the time for revision shall be the same as in cases provided for by sub-section 2 of section 46 of *The Assessment Act*; and the property within the limits of the said village shall not be liable for any rates levied by the corporations of the townships of Tilbury East and Tilbury West on the assessments made by the said townships for the year 1887.

Assessment for year 1887.

11. The expenses of obtaining this Act, and of furnishing any documents, copies of papers, writings, deeds, or any matter whatsoever required by the clerk of the said village, or otherwise, shall be borne by the said village, and paid by it to any party, or parties, that may be entitled thereto.

Expenses of Act.

12. Nothing in this Act contained shall have the effect of disqualifying any member of the municipal councils of the said townships of Tilbury East and Tilbury West, or either of them, from holding office in said councils during the current year.

Qualification of members of councils of Tilbury East and Tilbury West for 1887, not affected.

Liquor  
licenses.

13. For the purposes of *The Liquor License Acts* and *The Canada Temperance Act* that part of the village hereby incorporated which lies in the township of Tilbury West shall continue to be part of the said township, and shall not be part of the county of Kent; subject to any by-law of the Village Council, the License Commissioners may grant licenses to as many taverns in that part of the village so now lying in the township of Tilbury West as have licenses now, but the said village shall be entitled to the share of license fees payable to the municipality on account of licenses issued within the limits thereof.

## CHAPTER 71.

### An Act respecting the City of Toronto.

[Assented to 23rd April, 1887.]

Preamble.

WHEREAS the corporation of the city of Toronto have, by their petition prayed for special legislation relating to the several matters and things hereinafter set forth, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Powers.

1. The council of the corporation of the city of Toronto may pass by-laws for the following amongst other purposes notwithstanding anything in *The Consolidated Municipal Act, 1883*, or any amending Act or in any special or private Act relating to the said city of Toronto contained to the contrary:

Acquiring  
land for  
drill shed.

1. For entering upon, taking, and acquiring so much land in the city of Toronto as may be required for the purposes of a new drill-shed for the volunteer force of the city of Toronto, without the consent of the owners of such lands, making due compensation therefor to the parties entitled thereto under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf.

Borrowing  
money for  
park purposes.

2. For borrowing moneys not to exceed the sum of \$100,000 for improving the city parks and for park purposes by the issue and sale of debentures upon the credit of the city at large and also for charging the usual interest and sinking fund required for moneys so borrowed as a first lien upon the income belonging to the "Walks and Garden Fund." But any by-law passed for this purpose shall require the assent of the electors entitled to vote on money by-laws before the final passing thereof.

Authorizing  
Horticultural  
Society to issue  
debentures.

3. For authorizing, in so far as the city has any interest therein, the Horticultural Society of Toronto to create a debt, and



and to borrow money by the issue and sale of debentures or upon mortgage of the lands and premises occupied by the society to an amount not exceeding in all the sum of \$90,000 for the purpose of paying off existing mortgages, debts and liabilities, and improving their property by the erection of a new pavilion or the enlargement and improvement of their present buildings and otherwise.

4. For aiding the coming celebration of the Jubilee of Her Majesty to an amount not exceeding \$10,000; such by-law to be approved of by the electors before the final passing thereof. Aiding jubilee celebration.

2. All by-laws heretofore passed by the said council of the corporation of the city of Toronto for borrowing money on the general credit of the city to provide for the payment of the city's share of local improvements and works, for borrowing moneys by the issue of debentures secured by special assessments on the Toronto Street Railway Company to provide for the payment of their share of local improvements and works, and for borrowing money by the issue of debentures secured by special assessments on the real property benefited by such improvements and works, and all special assessments made and rates imposed under such by-laws for such purposes are hereby declared valid and effectual. By-laws confirmed.

3. In view of the unsanitary condition of the Rosedale Creek and the Garrison Creek, and the necessity which exists for constructing a sewer on the line of the Rosedale Creek and of completing the Garrison Creek sewers, it shall and may be lawful for the council of the corporation of the city of Toronto to pass by-laws from time to time, as occasion may require, without obtaining the assent of the electors thereto, before the final passing thereof, for borrowing by the issue of debentures or city stock on the credit of the city at large a sum not exceeding \$175,000. Authority to borrow money for construction of sewers.

## CHAPTER 72.

An Act to provide for the erection of a Court House in the City of Toronto.

*[Assented to 23rd April, 1887.]*

WHEREAS the corporation of the county of York have by their petition represented the necessity for the erection of a new court house in the city of Toronto, for the administration of justice in the county of York and the city of Toronto, and the necessity of removing the difficulties in the way of providing for the erection of such court house, and have asked an extension

extension of time for the erection of the said court house; and whereas, it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

48 V. c. 73, s.  
1, amended.  
Court house  
to be provided  
by City of  
Toronto.

1. Section 1 of the Act passed in the forty-eighth year of Her Majesty's reign, chaptered 73, intituled *An Act respecting the City of Toronto*, is hereby amended by adding thereto the following sub-sections:—

(2) For the purpose of enabling the said city to carry on the works provided for in the said agreement, the council of the said city is hereby authorized and empowered to make agreements with any bank or banks, or with any person or persons, corporation or corporations for temporary advances and loans until the completion of said works, and thereafter, or from time to time, to pass by-laws for the issue of debentures to repay the amount of the temporary loans or advances aforesaid, and any interest paid or payable thereon; and it shall not be necessary to obtain the assent of the electors or ratepayers to the passing of any such by-law or by-laws, provided the same be approved of by the Lieutenant-Governor in Council; and the amount authorized to be borrowed under such by-law or by-laws shall not exceed the sum of \$425,000, which sum shall be in addition to the amount hereinbefore authorized.

(3) No indictment or other proceeding shall be instituted or prosecuted against the said county in respect of the existing court house accommodation, and after the passing of this Act the said county shall cease to be responsible for any default in providing suitable accommodation for the Courts or officers engaged in the administration of justice.

(4) The time for the completion of the said court house, offices and accommodation in the said agreement prescribed shall be extended to the twenty-sixth day of June, 1889, and it shall be the duty of the said city forthwith, after the passing of this Act, to proceed with the erection of the same, and to complete the same as speedily as possible within the above extended time, and the said city alone shall be responsible for the failure to provide suitable court house accommodation.

Power to sell  
existing court  
house.

2. The county may sell and convey the existing court house, and the lands and appurtenances therewith used and enjoyed, or any part thereof, at any time after the same may cease to be required for court house purposes, and the council of the county may by by-law provide for such sale being made either for cash or on credit, or partly for cash and partly on credit, and may prescribe the security to be taken in case of sale on credit, and may provide for the manner of executing the conveyance or conveyances thereof, and otherwise in relation to the sale and conveyance as they may find necessary or deem expedient.

CHAPTER

## CHAPTER 73.

## An Act to consolidate the Floating Debt of the Town of Trenton.

[Assented to 23rd April, 1887.]

**W**HEREAS the corporation of the town of Trenton by their Preamble.  
 petition have represented that they have incurred debts and liabilities for the repairing of the bridge across the river Trent in said town, and for other permanent improvements therein, amounting along with the floating indebtedness of the said corporation to \$30,000 or thereabouts, which have not been secured by debentures, and have prayed that the said debt may be consolidated and that they may be authorized to issue debentures for that purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporation of the town of Trenton may pass a by-law authorizing the issue of debentures under the corporate seal, signed by the mayor and countersigned by the treasurer, for such sums not exceeding in the whole the sum of \$30,000, as the council of the said town may direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be made payable either in this Province or in Great Britain, or elsewhere, as the said council may deem expedient, and may be either in currency or sterling money. Issue of debentures for \$30,000. authorized.

2 The said corporation may raise by way of loan upon the credit of the said debentures from any person or persons, body or bodies corporate either in this Province or in Great Britain or elsewhere, who may be willing to lend the same a sum not exceeding in the whole the sum of \$30,000 of lawful money of Canada. Power to borrow on debentures.

3. The funds derived from the negotiation of the said debentures shall be applied by the said council to the payment of the said outstanding floating liabilities and to and for no other purpose whatever. Application of funds.

4. For payment of the debentures to be issued under this Act, the municipal council shall impose a special rate per annum (over and above and in addition to all other rates to be levied in each year) which shall be sufficient to pay the interest on the said debentures and to form a sinking fund of four per centum per annum, for the purpose of paying the principal thereof. Special rate for payment of debentures.



Investment  
of sinking  
fund.

5. The said council shall, and it shall be the duty of the treasurer, to invest from time to time all moneys raised by special rate for the sinking fund provided in this Act, either in redemption of any of the debentures hereby authorized to be issued or in Government securities, or in such other manner as the Lieutenant-Governor in Council may by general or special order direct, or may deposit the same in any chartered bank of the Dominion of Canada, that the council may from time to time approve.

Payment of  
debentures  
and interest.

6. The debentures to be issued as aforesaid, shall be payable in not more than twenty years from the date thereof, as the said council may direct; and the interest thereon at such rate not exceeding six per centum per annum as the said council shall determine, shall be payable half-yearly according to the coupons attached thereto.

Irregularities  
not to render  
debentures  
invalid.

7. No irregularity in the form of the said debentures, or of the by-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the said debentures and interest or any or either of them or any part thereof.

Assent of  
electors not  
required.

8. It shall not be necessary to obtain the assent of the electors of the said town to the passing of the said by-law under this Act, or to observe the formalities in relation thereto, prescribed by *The Consolidated Municipal Act, 1883*.

Form of  
debentures.

9. The said debentures may be in the form A in the schedule to this Act, or as near thereto as the said corporation may find convenient, according to the places where, and the money in which the same are made payable.

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## SCHEDULE.

(Form A.)

### CONSOLIDATED LOAN DEBENTURE.

No.

\$

PROVINCE OF ONTARIO, TOWN OF TRENTON.

Under and by virtue of the Act passed in the fiftieth year of the reign of Her Majesty Queen Victoria, and chaptered and by virtue of By-law No. of the corporation of the town of Trenton, passed under the provisions contained in the said Act.

The

The corporation of the town of Trenton promises to pay the bearer at in the sum of on day A.D. and the half-yearly coupons hereto attached as the same shall severally become due.

Dated at Trenton, in the county of Hastings, this day of A.D.

[L.S.]

A. B.,  
Mayor.  
C. D.,  
Treasurer.

## CHAPTER 74.

An Act to amend the Act incorporating the Brockville, Westport, and Sault Ste. Marie Railway Company.

[Assented to 23rd April, 1887.]

WHEREAS it is expedient to amend the Act passed in the Preamble.  
forty-seventh year of Her Majesty's reign, chaptered 63, incorporating the Brockville, Westport and Sault Ste. Marie Railway Company;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 50 of the said Act, passed in the forty-seventh year of Her Majesty's reign, and chaptered 63, is hereby amended by striking out the words "and treasurer" in the eighth line thereof, and by altering the first proviso in said section contained so as to read as follows: "Provided, however, that the issue of bonds and debenture stock shall not exceed \$25,000 per mile of said railway and branches;" in all other respects the said section shall remain unaltered. 47 V. c. 63, s. 50, amended.

2. The said company is authorized and empowered to make necessary arrangements to contract and agree with the Iron-  
dale, Bancroft and Ottawa Railway Company, the Kingston  
and Pembroke Railway Company, the Ottawa and Thousand  
Island Railway Company, the Northern Pacific Junction Rail-  
way Company, or the Gananoque, Perth and James' Bay Rail-  
way Company, if lawfully empowered to enter into such  
arrangement, for amalgamation with the said companies, or  
either of them: provided that the terms of such amalgamation  
are approved of by two-thirds of the shareholders present in  
person or represented by proxy at a special general meeting to  
be held for that purpose. 3. Amalgama-  
tion with other  
companies  
authorized.  
Proviso.

Agreements  
for running  
powers  
authorized.

3. The said company is also authorized to enter into any agreement with the Canadian Pacific Railway Company, the Grand Trunk Railway Company of Canada or any of the companies mentioned in the preceding section or either of them, if lawfully empowered to enter into such agreement, for running powers over the said railways or either of them, on such terms and conditions as the directors of the several contracting companies may agree on; the said company shall also have the power to enter into agreements with any railway company owning or controlling or in possession of a railway in the State of New York connecting directly, or by bridge or ferry, with its road, for the use by either of the road of the other: provided that every such agreement shall first be sanctioned by two-thirds of the shareholders present in person or represented by proxy at a special general meeting called for the purpose of considering the same; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which it is not within the legislative authority of this Province to confer.

Proviso.

Time limited  
in by-laws  
granting aid  
extended  
where muni-  
cipality in de-  
fault.

4. Where any municipality, or municipalities, has, or have passed, or shall hereafter pass, any by-law, or by-laws, granting any aid by way of bonus or gift, or otherwise, to said company, and in and by any such by-law, or by-laws, any time is fixed or limited for the commencement or completion of the said railway, or any portion thereof, and any such municipality, or municipalities has not, or have not complied with the Act hereby amended, by depositing the debentures, or money, or other securities authorized by such by-law, or by-laws, with the trustees in manner, and at the time in said Act specified, then the time or period for the completion of said railway, or the particular portion thereof specified in said by-law, or by-laws, shall not be deemed, or taken to have commenced to run until from and after the date of the deposit of such debentures, money, or other securities in the hands of said trustees; provided that the agreement dated March 31st, 1887, made between the railway company and the municipality of Bastard and Burgess South, shall be legal and binding upon the company and their assignees and upon the said municipality.

Proviso.

User of bridge  
on St. Law-  
rence and St.  
Mary rivers.

5. The said company shall have full power to acquire the right to use, or running powers over any bridges that may be built across the St. Lawrence river and across the St. Mary river, so as to connect its railway with other railways on such terms as may be agreed upon, provided that the contracts or agreements in respect thereof shall be approved of by two-thirds of the shareholders voting either in person, or by proxy, at any special general meeting called for that purpose.

Time for com-  
pletion ex-  
tended.

6. The time for completion of said railway from the village of Westport in the County of Leeds to Sault Ste. Marie, is hereby extended until the termination of eight years from the passing of the said Act.

CHAPTER



## CHAPTER 75.

## An Act to amend the Act to incorporate the Eastern Ontario Railway Company.

[Assented to 23rd April, 1887.]

**W**HEREAS it has been found impracticable to build the Preamble line of railway authorized to be constructed under and by virtue of an Act passed by the Legislative Assembly of the Province of Ontario in the 46th year of Her Majesty's reign, chaptered 51, and intituled *An Act to incorporate the Eastern Ontario Railway Company* within the time limited for that purpose; and whereas Alexander MacLean and other shareholders and provisional directors of the said Eastern Ontario Railway Company have, by their petition, represented that since the passing of the said Act no work has been done towards the commencement and completion of the said railway, and have prayed that the said Act may be revived and amended, and also that the time fixed for the commencement and completion of the said Railway may be extended, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act hereinbefore recited is hereby revived and declared to be in full force and effect, and the time limited for the commencement of the said Railway is extended for three years from the passing of this Act, and the time for the completion thereof is extended to eight years from the passing of this Act. Time for commencement and completion extended.

2. Section 1 of the said Act is hereby amended by adding the names of Francis H. Chrysler, Donald P. Mackinnon, John G. Snetsinger, Donald B. Maclellan and John Bennett, after the name John Sweetland in the said section. 46 V. c. 51, s. 1 amended.

3. Section 6 of the said Act is hereby amended by substituting the following persons as the provisional board of directors of the company instead of those named in the said section, namely, Alexander MacLean, Donald B. Maclellan, J. G. Snetsinger, Francis H. Chrysler and James W. Russell. 46 V. c. 51, s. 6 amended.

## CHAPTER 76.

An Act to incorporate the Fort Erie Ferry  
Railway Company.

*[Assented to 23rd April, 1887.]*

Preamble.

**W**HEREAS Benjamin Baxter, Edwy Baxter, and W. B. Pierce, have petitioned for an Act to incorporate a company to construct a railway from some point at or near the western boundary of the Garrison Reserve, in the township of Bertie, to some point in the corporation of the village of Fort Erie, with power to acquire and own pleasure grounds at the western terminus of the said railway, and to acquire water lots and docks, and to acquire, own, equip and operate steam vessels and boats in connection therewith, and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

**1.** Benjamin Baxter, Edwy Baxter, and W. B. Pierce, together with such other persons and corporations as shall, in pursuance of this Act, become shareholders of the company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of "The Fort Erie Ferry Railway Company."

Location of line.

**2.** The said company shall have full power and authority under this Act to construct a railway from some point in or near the western boundary of the Garrison Reserve in the township of Bertie, to some point in the corporation of the village of Fort Erie.

Gauge.

**3.** The gauge of the said railway shall be four feet and eight and one-half inches.

Power to purchase and hold wharves, etc.

**4.** It shall and may be lawful for the said company at any points where the railway approaches any navigable waters, to purchase and hold wharves, piers, docks, water lots, and lands, and upon the said water lots and lands, and in and over the waters adjoining the same, to build sheds, wharves, docks, piers, offices, and other erections, for the use of the company, and the steam vessels owned, worked, or controlled by the company.

Power to purchase and work vessels in connection with the railway.

**5.** It shall and may be lawful for the company to purchase, build, complete, fit out, and charter, sell, and dispose of, work, and control, and keep in repair steam vessels from time to time, to ply on the lakes, rivers, and canals of this Province in connection

connection with the said railway, and to make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers, and canals in connection with the said railway.

6. It shall and may be lawful for the said company to purchase, hold, use, and enjoy at or near the western terminus of the said railway, sufficient lands for their stations, buildings, and erections, and for a summer resort and pleasure grounds, and to erect and maintain thereon suitable buildings and erections for that purpose, and in case by purchasing the whole of any lot or parcel of land over or near which the railway is to run the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use or enjoy such lands, and may sell and convey the same or any part or parts thereof from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to acquire whole lots.

7. Conveyances of land to the said company for the purposes of and under the powers given by this Act made in the form set out in schedule A, hereunder written, or to the like effect, shall be sufficient conveyances to the said company, their successors and assigns, of the estate or interest, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Form of conveyance.

8. From and after the passing of this Act, the said Benjamin Baxter, Edwy Baxter, and W. B. Pierce, until others shall be chosen as hereinafter provided, shall be and are hereby constituted the board of provisional directors of the said company, three of whom shall be a quorum, with power to any two in case of vacancies occurring thereon to fill such vacancies; to associate with themselves thereon not more than two others, who, upon being so named, shall also become and be provisional directors, equally with themselves; and they shall have power and authority immediately after the passing of this Act to open stock books and receive subscriptions of stock for the undertaking, and may allot and apportion the stock amongst the subscribers as to them may seem meet, and may cause surveys and plans to be made and executed, and may enter into a contract or contracts for building and equipping the said railway and carrying out the other purposes of the said company, and may exercise all such other powers as under *The Railway Act*, or any other law in force in Ontario, are vested in such boards.

Provisional directors and their powers.



Capital.

**9.** The capital stock of the company shall be \$50,000, to be divided into five hundred shares of \$100 each, with power to increase the same in the manner provided in *The Railway Act of Ontario*, and all moneys paid to the company in respect of such shares shall be applied, in the first place, to the payment of all costs, charges, and expenses of and incidental to the obtaining of this Act, and of all expenses of making the surveys, plans, and estimates connected with the works hereby authorized, and all the remainder of such money shall be applied to the making, equipment and completion of the said railway, and the other purposes of the company.

Certain payments allowed to be made in stock.

**10.** It shall be competent for the directors of the said company to issue as paid up stock any ordinary stock of the company, and allot and pay the same for right of way or other real estate which the company is authorized by this Act to acquire, and for plant, vessels, rolling stock, or material, or erections of any kind.

First general meeting.

**11.** When and so soon as shares to the amount of \$25,000 in the capital stock of the said company shall have been subscribed and allotted, and the sum of \$2,500 paid thereon, the provisional directors or a majority of them shall call a general meeting of the subscribers to the said capital stock, at the village of Fort Erie, for the purpose of electing directors of the said company, giving at least four weeks notice by advertisement in the *Ontario Gazette*, and in one of the newspapers published in the county of Welland, of the time, place and purpose of said meeting.

First election of directors.

**12.** At such general meeting the shareholders assembled in person or by proxy, who shall have paid up ten per cent. on their shares, shall choose not more than nine persons to be directors of said company (of whom three shall be a quorum) and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

Annual meeting.

**13.** Thereafter a general annual meeting of the shareholders of the said company shall be held at their head office, in the said village of Fort Erie, or in such other place, and on such days and at such hours as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and in at least one newspaper published in the county of Welland, during the four weeks preceding the week in which such meeting is to be held, and special general meetings of the shareholders of the said company may be held at such places in Ontario, and at such times, and in such manner as may be provided by the by-laws of the company, upon such notice as is provided by this section.

Votes.

**14.** Every shareholder of one or more shares of the capital stock

stock shall at any general meeting of such shareholders, be entitled to one vote for every share held by him, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

**15.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the company, and unless he has paid up all calls thereon. Qualification of directors.

**16.** Calls on the subscribed capital of the company may be made by the directors for the time being as they shall see fit: provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at intervals of not less than one month, and notice of each call shall be given as provided for calling general meetings of the shareholders. Calls.

**17.** Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the said company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors of the said company. Rights of aliens.

**18.** For the purposes of the company, the directors from time to time may issue bonds, and to secure the same, and the interest thereon, they may mortgage the undertaking, or part thereof, in the manner provided in *The Railway Act of Ontario*, and in this respect the provisions of the said Railway Act shall apply. Issue of bonds authorized.

**19.** The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums of not less than \$100, and any such promissory note or bill of exchange made, accepted, or indorsed by the president or vice-president of the company, and countersigned by the secretary and treasurer of the said company, and under the general or special authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the said president, or vice-president, or the secretary and treasurer, be individually responsible on any bill or note made, accepted, or indorsed by him or them on behalf of the company, provided the consideration for the said bill or note was received by the company, unless the said promissory notes or bills of exchange have been issued without the sanction and authority, either general Company may become parties to notes.

or special of the board of directors, as herein provided and enacted: provided, however, that nothing in this section shall be construed to authorize the said company to issue notes or bills of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Exemption  
from taxes.

**20.** It shall further be lawful for the corporation of any municipality, in or through any part of which the railway of the said company passes, or is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or by fixing the assessable value of such property, or to agree to a certain sum per annum, or otherwise, in gross, or by way of commutation, or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with any condition contained in such by-law.

Municipalities  
may allow  
company to  
lay its tracks  
on highways.

**21.** It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law, or by-laws, empowering the company to make their road, and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession, or under the control of any joint stock company, and if such highway be either in the possession, or under the control of any joint stock company, then with the assent of such company; and it shall be lawful for the company to enter into and perform any such agreements as they may from time to time deem expedient, with any municipality, corporation, or person for the construction, or for the maintenance and repair of gravel or other public roads leading to the said railway.

Traffic and  
running  
arrangements  
with other  
companies.

**22.** The said company shall have power to make traffic and running arrangements, either or both, with the Erie and Niagara Railway Company and the Canada Southern Railway Company, if lawfully empowered to enter into such arrangements, or for connecting with the said railways, or with either or both, upon such terms as may be agreed upon.

Telephone and  
telegraph  
lines.

**23.** The said company may also construct a telephone line and an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telephone and telegraph lines, the powers conferred upon telegraph companies by *The Act respecting Electric Telegraph Companies* (chapter 151 of the Revised Statutes of Ontario), are hereby conferred upon the said company.



24. The head offices and repair shops shall be located in the said village of Fort Erie at or near the eastern terminus of the company's railway. Site of head office and repair shops.

25. All persons owning or residing upon any lands adjoining and fronting upon the Lake Shore Road, where the same passes through the said village of Fort Erie, may at any time cross and take their boats and nets across the track and lands of the company, where the same lie between the lands of the persons aforesaid and the water's edge, without doing unnecessary damage or interfering with the company's rights; and all persons travelling upon the roads or streets in the township of Bertie, where the said roads and streets intersect the said railroad, may in like manner, with their boats and nets, cross the said railroad. Right of certain persons to cross railway.

26. All the provisions of *The Railway Act of Ontario*, except as varied by this Act, shall apply to the said company. Railway Act to apply.

27. The railway shall be commenced within one year, and completed within two years after the passing of this Act. Time for construction.

28. The said company shall not be compelled to run or operate in any way the said railway at any time during the year, excepting in the summer or excursion season. Time for running road.

## SCHEDULE A.

### (Section 7.)

Know all men by these presents that I (or we) [*insert the name or names of the vendors*] in consideration of dollars, paid to me (or us) by the Fort Erie Ferry Railway Company, the receipt, whereof is hereby acknowledged, do grant and convey to the said company, and I (or we) [*insert name of any other party or parties*] in consideration of

dollars, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release to the said company, all that certain parcel (or those certain parcels, *as the case may be*) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of their railway, to hold, with the appurtenances, unto the said the Fort Erie Ferry Railway Company, their successors and assigns (*here insert any other clauses, conditions and covenants required*), and I (or we), wife (or wives) of the said do hereby bar my (or our) dower in the said lands. As witness, my (or our) hand and seal (or hands and seals) this day of one thousand eight hundred and

Signed, sealed and  
delivered in the  
presence of

CHAPTER

## CHAPTER 77.

## An Act to amend the Act incorporating the London and South-Eastern Railway Company.

[Assented to 23rd April, 1887.]

Preamble.

**W**HEREAS the London and South-Eastern Railway Company have by their petition prayed that the Act passed in the 49th year of Her Majesty's reign, chapter 72, incorporating the said company, may be amended as hereinafter set forth, and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Agreement  
with Canada  
Southern  
Railway  
authorized.

1. It shall be lawful for the said company, having first obtained the consent of the corporation of the city of London, to enter into an agreement with the Canada Southern Railway Company, the Grand Trunk Railway Company of Canada, or the London and Port Stanley Railway Company, for the leasing to them or any or either of them of the said the London and South-Eastern Railway, or any part thereof, and such agreement shall be valid and binding on the said the London and South-Eastern Railway Company and shall be enforced by Courts of Law, according to the terms and tenor thereof.

49 V. c. 72, s.  
56, amended.

2. Section 56 of the said Act is hereby amended by striking out of the first line of the said section the words "three months" and substituting therefor the words "two years."

Mayor of  
London to be  
a director *ex  
officio*.

3. The mayor of the city of London for the time being shall *ex officio* be a member of the board of directors of the London and South-Eastern Railway Company.

Extension of  
railway  
authorized.

4. The said the London and South-Eastern Railway Company may also construct and continue their line of railway easterly from the point where it intersects the line of the London and Port Stanley Railway to some other point or points where it will connect with the oil works in East London and the line of the West Ontario Pacific Railway Company.

R.S. O. c. 165,  
s. 36 (5) not to  
apply to com-  
pany.

5. Sub-section 5 of section 36 of *The Railway Act of Ontario* shall not apply to the said the London and South-Eastern Railway Company.

## CHAPTER 78.

## An Act respecting the Ontario Sault Ste. Marie Railway Company.

*[Assented to 23rd April, 1887.]*

**W**HEREAS the Ontario Sault Ste. Marie Railway Com- Preamble.  
pany have by their petition prayed that the time for the completion of their railway should be extended; and whereas the Ontario Sault Ste. Marie Railway Company in the years 1881 and 1882 surveyed and located their line of railway between the Ste. Marie River and Spanish River, and expended on the said surveys, and otherwise, large sums of money; and whereas, owing to the depression which intervened, and the fact that the lines west of the Sault Ste. Marie were not proceeded with, the work of the said company's line was not in the meantime completed; and whereas the Canadian Pacific Railway Company have located their line between the above points and commenced work thereon; and whereas their said line between the above points crosses, re-crosses and interferes with the said location of the Ontario Sault Ste. Marie Railway Company between the said points, so as to render it impossible to use their said line so located as aforesaid, and proceedings were taken by the said company to prevent such or any interference with their said line; and whereas to end all litigation and disputes the said companies have agreed that the Canadian Pacific Railway Company shall not cross or interfere with the line of the Ontario Sault Ste. Marie Railway Company as now located between the points aforesaid save as is hereinafter indicated and in the manner hereby defined; and whereas it is alleged that at certain points, owing to the formation of the ground, it is difficult to give each company their full location-width, and the Canadian Pacific Railway Company would be put to great expense if compelled to avoid the whole right of way of the Ontario Sault Ste. Marie Railway Company as located at these points, or were prevented from crossing it; and whereas it is alleged that the lines of both companies may be so arranged as to avoid crossings and interference; it is hereby referred to Walter Shanly, of the City of Montreal, Esquire, to locate the two lines so that each of them shall have sufficient space without injury to the line of the other. The said Walter Shanly to have power to direct the removal of tracks, the change of alignment and otherwise, as he shall think right, so as to secure the best practicable lines in all respects for both companies between the said points. In the adjustment of such alignments the said Shanly, where, from the formation of the country, it is necessary to do so, is to have liberty to narrow the right of way of either or both of the said companies, but at the same time he is to give to each an independent



independent track; and he shall also have the right to direct and order how and in what portions the companies respectively shall bear any extra expense which may be caused by his decision or orders. In all matters referred to him the finding of the said Shanly is to be final; and in case the said Shanly shall fail or refuse to act, then the matters hereby referred to him shall be referred to a competent disinterested engineer, to be named by the said Shanly, who shall have all the powers hereby conferred upon the said Shanly;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

44 V. c. 68, s.  
23 amended.

1. Section 23 of the Act of the Province of Ontario passed in the forty-fourth year of Her Majesty's reign, Chapter 68, is hereby amended, and the time for the completion of the said Railway is extended to six years from the third day of March, 1887. This amendment shall have the same effect as if the time so extended was the period originally fixed in the said section for the completion of the said railway, and as if this had been enacted on the said third day of March.

Agreement  
confirmed.

2. It is hereby further enacted that so far as this Legislature has the power and to the extent that this Legislature has such power the above agreement is hereby confirmed.

## CHAPTER 79.

### An Act to incorporate the Ottawa and Thousand Island Railway Company.

*[Assented to 23rd April, 1887.]*

Preamble.

WHEREAS Robert G. Hervey, and others, have by their petition represented that it is desirable that a railway should be constructed from the city of Ottawa, in the county of Carleton, to the town of Brockville, or some other point on the Brockville, Westport and Sault Ste. Marie Railway, in the county of Leeds, and have prayed for an Act accordingly; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

1. Robert G. Hervey, William B. Smellie, Hugh T. Fitzsimmons, and William H. Jones, all of the town of Brockville, in the county of Leeds, and Province of Ontario, and Clark-son

son Jones, of the city of Toronto, in the Province of Ontario, with such other persons and corporations as shall, in pursuance of this Act, become shareholders of the said company hereby incorporated, are hereby constituted and declared a body corporate and politic by the name of "The Ottawa and Thousand Island Railway Company," hereinafter called the company.

2. The several clauses of *The Railway Act of Ontario* shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said company and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act, so incorporated with this Act. R. S. O. c. 165, incorporated.

3. The said company, their agents and servants shall have full power and authority to survey, lay out, construct, complete, lease, purchase and operate a single or double line of railway from a point in or near the city of Ottawa, in the county of Carleton, through the county of Carleton and the county of Grenville, and the county of Leeds, to a point on the line of the Brockville, Westport, and Sault Ste. Marie Railway, either in or near the town of Brockville, or at some other point in the county of Leeds. Location of line.

4. The gauge of the said railway shall be four feet eight and one-half inches. Gauge.

5. The company shall have power to construct, purchase, sell, charter, own and use scows, boats and steam or other vessels on the lakes, rivers and canals of this Province in connection with their railway. Power to purchase and work vessels.

6. The company shall have power to purchase, lease, or acquire, at any point where their railway or any branch thereof touches or approaches within two miles of any navigable waters, sufficient land for the uses of the company, their railway, and vessels, run or navigated in connection with said railway, and the company may erect warehouses, elevators, docks, wharves, stations, workshops and such other buildings as may be necessary for the purposes of the company, and may sell and convey such lands as may be found superfluous for any such purposes; and shall also have full power to connect any of the works herein mentioned with any point on the railway, or its branches, by means of any line or lines of railway for such purposes. Power to acquire wharves, etc.

7. The company shall have power to enter into and conclude any agreement with the Brockville, Westport and Sault Ste. Marie Railway Company if lawfully authorized to enter into such Agreements with other companies.

such agreement, to lease the railway herein authorized, or any part thereof, or to lease or acquire running powers over the line of the said company, or any part or parts thereof, or for leasing or hiring any locomotives, tenders, plant, rolling stock, or other property, or touching any service to be rendered by the one company to the other, and the compensation therefor; provided that the agreement shall be approved of by two-thirds of the shareholders, voting either in person, or by proxy, at any special general meeting called for that purpose; but nothing in this section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Telegraph and  
telephone  
lines.

8. For the purpose of constructing, working, and protecting the telegraph and telephone lines to be constructed by the company on their line of railway, the powers conferred upon telegraph and telephone companies by *The Act respecting Electric Telegraph Companies* are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph and telephone lines shall apply to any such telegraph or telephone lines constructed by the company.

Snow fences.

9. The company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered; provided always that any such snow fences so erected shall be removed on or before the first day of April following.

Provisional  
directors.

10. Robert G. Hervey, William B. Smellie, Hugh T. Fitzsimmons, Clarkson Jones, and John Chapman, with power to add to their number, are hereby constituted a board of provisional directors of the company, and shall hold office as such until other directors shall be elected under the provisions of this Act by the shareholders, and shall have power to fill the place or places of any of their number which may become vacant, and to open stock books, and to procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors, as hereinafter provided; and with all such other powers as under *The Railway Act of Ontario* are vested in ordinary directors; and such provisional directors may appoint a committee from their number to open such stock books and to receive such subscriptions; and the said committee, or a majority of them may, in their discretion, exclude any person from subscribing.



**11.** The capital stock of the company hereby incorporated shall be \$1,250,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into twelve thousand five hundred shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements of and incidental to the passing of this Act, and for making the surveys, plans, and estimates connected with the works hereby authorized, and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway and to the other purposes of this Act. Capital stock.

**12.** When and so soon as shares to the amount of \$50,000, in the capital stock of the company shall have been subscribed, and ten per cent. thereof shall have been paid into one of the chartered banks of the Dominion, having an office in the Province of Ontario (which shall on no account be withdrawn therefrom unless for the service of the company), the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a general meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in a paper published in the town of Brockville, and in the *Ontario Gazette*, of the time, place, and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect not less than five nor more than thirteen persons to be directors of the company in manner and qualified as hereinafter directed, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting. First election of directors.

**13.** In case the provisional directors neglect to call such meeting, to be held on some day within the space of three months after such amount of the capital stock shall have been subscribed and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers among them for not less than \$25,000 of the said capital stock, and who have paid up all calls thereon. How first meeting may be called if provisional directors neglect to call same.

**14.** It shall be lawful for the directors, in procuring subscriptions for stock, to allot such stock in such amounts, and subject to the payment of such calls of such amount, and at such times, and at such discount as they may think fit, or they may agree for the sale of such stock or any part thereof at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription or by instalments, and the amount of every such instalment as and when payable shall be deemed to be money due Allotment of stock.

due in respect of a call duly made in accordance with the provisions contained in section 27 of *The Railway Act of Ontario*, and non-payment of any such instalment shall carry with it all the rights, incidents and consequences as mentioned in the said Act, as in the case of a call due by a shareholder on a share.

Certain payments may be made in stock or bonds.

**15.** The said provisional directors or the elected directors may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way or material, plant or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors, for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons, be provisional or elected directors or not, and any agreements so made shall be binding on the company.

Annual meeting.

**16.** The general annual meeting of the shareholders of the company shall be held in such place, in the town of Brockville, or at such other place, and on such days, and at such hours, as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the town of Brockville, during the four weeks preceding the week in which such meeting is to be held.

Special meetings.

**17.** Special general meetings of the shareholders of the company may be held at such place in the town of Brockville, or at such other place, and at such times, and in such manner, and for such purposes, as may be provided by the by-laws of the company, upon such notice as is provided in the last preceding section.

Qualification of directors.

**18.** In the election of directors under this Act no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the company, upon which all calls have been paid up.

Rights of aliens.

**19.** Aliens and companies incorporated abroad as well as British subjects and corporations, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

Votes.

**20.** Every holder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him; and no shareholder

holder shall be entitled to vote on any matter whatever unless all calls due on the stock upon which such shareholder seeks to vote shall have been paid up at least one week before the day appointed for such meeting.

**21.** At all meetings of the company the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by resolution under the seal of the corporation; and such person shall, at such meeting, be entitled equally with other shareholders to vote by proxy.

Representa-  
tion of stock  
held by  
corporations.

**22.** At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, four directors shall form a quorum for the transaction of business, and the said board of directors may employ and pay one of their number as managing director.

Quorum of  
directors.

**23.** Should the shareholders of the company resolve that the interests of the company would be best promoted by enabling one or more of the directors to act for the company in any particular matter or matters, it shall be lawful for the directors, after such resolution, to confer such power upon one or more of their number.

Delegation  
powers to  
directors in  
special cases.

**24.** It shall be lawful for the directors to enter into any contract or contracts with any individual or association of individuals for the construction or equipment of the line or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor, either in the whole or in part, either in cash or bonds, or in paid-up stock; provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present, in person or by proxy, at a meeting specially convened for considering the same.

Power to  
make con-  
tracts for con-  
struction of  
railway.

Proviso.

**25.** The said company may receive from any government or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway by way of bonus, gift or loan, in money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid to com-  
pany.

**26.** Any municipality through which the said railway may pass or is situate, is empowered to grant, by way of gift, to the company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the company shall have power to accept gifts of land from any government, or any person, or any body politic or corporate, and shall have power

Aid from  
municipali-  
ties.



power to sell or otherwise dispose of the same for the benefit of the company.

Power to hold additional property at extremities of railway.

**27.** The company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon storehouses, warehouses, engine houses and other erections for the uses of the said company, and the same, or portions thereof, in their discretion to sell or convey, and also to make use for the purpose of the said railway of any stream or water-course at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water-course.

Right to use highways.

**28.** It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or control of any joint-stock companies, and if such highway be either in the possession of or under the control of any joint stock company, then also with the assent of such company, and it shall and may be lawful for the company to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Exemption from taxation.

**29.** It shall further be lawful for the council of any municipality through which any part of the said railway passes or is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either wholly or in part, from municipal assessment and taxation, or agree to a certain sum per annum or otherwise, in gross, by way of commutation or composition for payment, or in lieu of all or of any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years; and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Aid from municipalities.

**30.** Any municipality or any portion of a township municipality which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures by way of bonus or gift, or may aid the said company by way of loan or by guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always that such aid shall not be given except after the

Proviso.

the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

**31.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:—

Provisions as to bonus by-laws.

1. The proper petition shall first be presented to the council, expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters.

2. In the case of a county municipality the petition shall be that of a majority of the reeves and deputy reeves, or of fifty resident freeholders in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1883*.

3. In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1883*, as aforesaid.

4. In the case of a section of a township municipality the petition is to be presented to the council, defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality being duly qualified voters as aforesaid.

**32.** In case of aid from a county municipality fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground, ought not to be included therein; and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expenses of such reference the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the Registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the company, be submitted by the council to the duly qualified voters;

Provisions for referring to arbitration, disputes as to bonus by-laws.

voters; and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same, but if amended then by the company or the county, as the arbitrators may order.

Deposit for expenses.

**33.** Before any such by-law is submitted the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Rate not exceeding three cents in the dollar valid.

**34.** Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law, provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

By-law, what to contain.

**35.** Such by-law shall in each case provide:—

1. For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby, as may be expressed in the said by-law.

2. For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

“Minor municipality,” meaning of.

**36.** The term “minor municipality” shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality.

If by-law carried council to pass same,

**37.** In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council shall read the said by-law a third time and pass the same.

And issue debentures.

**38.** Within one month after the passing of such by-law the



the said council and the mayor, warden, reeve or other head or other officers thereof, shall issue the debentures provided for by the by-law and shall thereafter deliver the same duly executed to the trustees appointed or to be appointed under this Act.

**39.** In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor and the interest thereon shall be assessed and levied upon such portion only of such municipality. Levying rate on portion of a municipality.

**40.** The provisions of *The Consolidated Municipal Act, 1883*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality to the same extent as if the same had been passed by or for the whole municipality. Application of municipal Acts as to by-laws.

**41.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time. Extension of time for completion.

**42.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time, provided that no such extension shall be for a longer period than one year. Extension of time for commencement.

**43.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall, within six months after the passing of the by-law authorizing the same, be delivered to three trustees, to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustees within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then, in either case the company shall be at liberty to name such other trustee or trustees; any of the said trustees may be removed and a new trustee appointed in his stead at any time by the Lieutenant-Governor in Council, and in case any trustee dies, or resigns his trust, or goes to live out of the Province Trustees of debentures. Proviso.

Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of  
proceeds of  
debentures.

**44.** The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario in the name of "Ottawa and Thousand Island Railway Municipal Trust Account," and to pay the same out to the said company, from time to time, as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus and on the certificate of the chief engineer of the said railway for the time being in the form set out in schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500 recoverable in any Court of competent jurisdiction by any person who may sue therefor.

Fees to  
trustees.

**45.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Acquiring  
lands for  
stations, grav-  
el pits, etc.

**46.** Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot, or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring  
gravel, etc.,  
for construc-  
tion and main-  
tenance of rail-  
way.

**47.** When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owners of the lands on which the same is situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration as in case of acquiring the roadway, and the notice of the arbitration, the award, and the tender of the compensation shall have

have the same effect as in the case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

48.—(1) When said gravel, stone, or other material shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice shall apply, and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Sidings to  
gravel pits,  
etc.

(2) When estimating the damages for the taking of gravel, stone, earth, or sand, sub-section 8 of section 20 of *The Railway Act of Ontario* shall not apply.

49. The company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted, or endorsed by the president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted, provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange,  
payable

Bills and  
notes.



payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Bonds.

**50.** The company shall have power and authority, upon the approval of a majority of the shareholders voting in person or by proxy, at any regular annual meeting or special general meeting called for that purpose, to issue mortgage bonds, not to exceed \$25,000 per mile for each and every mile of railway herein authorized to be built for the purposes of the undertaking authorized by this Act, which shall constitute a first mortgage and lien upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid, and such mortgage shall be evidenced by a deed or deeds of trust, executed by the company, which deed or deeds shall contain such conditions respecting the payment of the said bonds and of the interest thereon, and respecting the remedies which shall be enjoyed by the holders thereof, or by any trustee or trustees for them in default of such payment, and for enforcing such remedies thereof, and of the interest or coupons thereon as are approved by a majority of the board of directors of the said company at any regular meeting, or a special meeting called for that purpose, and as are not contrary to law or the provisions of this Act.

Mortgaging bonds for advances.

**51.** The said company may from time to time, for advances of money to be made thereon, mortgage or pledge any stock, bonds or debenture stock, which they can under the powers of this Act issue for the construction of the railway or otherwise.

Regulations as to transfers of stock.

**52.** The directors may from time to time make such regulations as they may think fit for facilitating the transfer and registration of shares of the capital stock, and the forms in respect thereof, as well in this Province as elsewhere, and as to the closing of the registers and transfer books for the purpose of dividends as they may find expedient, and all such regulations not being inconsistent with this Act and with *The Railway Act of Ontario* as altered and modified by this Act, shall be valid and binding.

Power to collect back charges on goods.

**53.** The company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof, upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be

be subrogated by such payment in all the rights and remedies of such persons for such charges.

**54.** Conveyances of lands to the said company for the purposes of and powers given by this Act, made in the form set forth in schedule A, hereto, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns of the estate, or interest therein mentioned, and sufficient bar of dower, respectively of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicate thereof.

Form of conveyances.

**55.** The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor as far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto, with respect to "plans and surveys" by sections, or portions less than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan, and book of reference of any and each of such sections, or portions of the said railway, all and every one of the clauses of the said Railway Act and the amendments thereto applied to, included in or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited, according to the said clauses of the said Railway Act and the amendments thereof with respect to "plans and surveys."

Power to construct railway in sections.

**56.** The railway shall be commenced within three years, and completed within seven years after the passing of this Act.

Commencement and completion of railway.

## SCHEDULE A.

(SECTION 54.)

KNOW all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*), in consideration of  
dollars paid to me (or us)  
by the Ottawa and Thousand Island Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*), in consideration of  
dollars, paid to me (or us)  
by the said company, the receipt whereof is hereby acknowledged, do grant and release to the said company all that certain parcel (*or those certain parcels, as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said company for the purposes of its railway, to hold with the appurtenances unto the said Ottawa and Thousand Island Railway Company, its successors and assigns (*here insert any other clauses, conditions and covenants required*), and I (or we) wife (or wives) of the said  
do hereby bar  
my (or our) dower in the said lands. As witness my (or our) hand and seal (or hands and seals) this                      day of  
188 .

Signed, sealed and delivered  
in presence of

[L.S.]

## SCHEDULE B.

(SECTION 44.)

*Chief Engineer's Certificate.*

OTTAWA AND THOUSAND ISLAND RAILWAY  
COMPANY'S OFFICE.

No.                      Engineer's Department,                      A.D., 188

Certificate to be attached to cheques drawn on the Ottawa and Thousand Island Railway Company Municipal Trust Account, given under section                      chapter of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A.B., Chief Engineer for the Ottawa and Thousand Island Railway Company, do certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No.                      of the township of  
(or under the agreement dated the                      day of  
between the corporation of  
and the said company) to entitle the said company to receive from the said trust the sum of  
(*here set out the terms and conditions, if any, which have been fulfilled.*)

CHAPTER



## CHAPTER 80.

## An Act to amend the Act incorporating the Sandwich and Windsor Passenger Railway Company.

*[Assented to 23rd April, 1887.]*

WHEREAS the Sandwich and Windsor Passenger Railway Company, by indenture bearing date the 18th day of November, 1874, mortgaged to George Campbell and Robert McGregor all and singular the Sandwich and Windsor Passenger Railway, the right of way, ties and rails, and all other the privileges and appurtenances connected therewith and thereto belonging, and all tolls and income arising therefrom, also lot number nine in the town of Sandwich containing one hundred and four thousand, three hundred square feet and being a part of lot number fifty-nine, in the first concession, formerly in the township of Sandwich, but now in the town of Sandwich, according to the plan and survey of Alexander Wilkinson, Esquire, P.L.S., also that certain other parcel or tract of land and premises, situate in the said town of Sandwich, containing three-quarters of an acre more or less, being composed of the south-westerly three-quarters of lot number nineteen, on the west side of Bedford street, in the said town of Sandwich, for the purpose of securing the sum of \$20,000, with interest thereon, at the rate therein mentioned, payable at the expiration of one year from the date of the said indenture, and as a further and additional security for the money so lent and advanced by the said mortgagees the said company by an indenture by way of chattel mortgage, also bearing date the 18th day of November, 1874, mortgaged to the said Campbell and McGregor all and singular the horses, harness, passenger and truck cars, with all the appurtenances and all other the personal property and effects of the said company; and whereas the said Campbell and McGregor, by indenture bearing date the 11th day of November, 1876, granted, conveyed and assigned the above mentioned mortgaged property to one Francis C. Fulmer, who by indenture bearing date the 15th day of March, 1876, granted, conveyed and assigned the same to Alfred J. Kennedy; and whereas the said company having made default the said Alfred J. Kennedy instituted proceedings in the Court of Chancery for Ontario upon the said mortgages and for divers other claims and by the decree of the said Court dated the 7th day of May, 1879, the said company was ordered to pay the sum of \$35,018.94 into the Bank of Commerce, at its branch or agency office at the town of Windsor, on the 7th day of November, then next, and in default of such payment, the said Alfred J. Kennedy, on the 3rd day of March, 1880, obtained a final order of foreclosure and having prior thereto under execution issued upon the said decree acquired all the personal property and effects

effects above mentioned of the said company, the said Kennedy became and is the owner of all the real and other property of the said company; and whereas the said Alfred J. Kennedy hath ever since operated the said railway in accordance with the provisions of the said Act of incorporation of the said company, but is now desirous of reorganizing and extending the said railway to some point within the town of Amherstburg and for other purposes, and hath petitioned that an Act may be passed authorizing the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

35 V. c. 64, s.  
1, repealed.

1. Section 1 of chapter 64 of the Acts passed in the thirty-fifth year of Her Majesty's reign is hereby repealed and the following substituted in lieu thereof:—

Incorporation  
and corporate  
name.

Alfred J. Kennedy, and such other persons as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of "The Sandwich, Windsor and Amherstburg Railway.

35 V. c. 64, s.  
2, amended.

2. Section 2 of the said Act is hereby amended by striking out the word "fifty" and substituting in lieu thereof the word "eighty."

Time for  
commence-  
ment and  
completion.

3. The company may commence operations and exercise the powers hereby granted as soon as one-third of the capital stock shall be subscribed and twenty per centum thereon paid up, but the said company shall commence the construction of the extensions of the said railway within two years and complete the same within four years from the passing of this Act.

Extension  
of railway  
authorized.

4. The company is hereby authorized and empowered to extend, construct, maintain and complete and operate its railway and the extensions, pursuant to the provisions and powers contained in section 4 of the said Act, from the present terminus thereof in the town of Sandwich to any part of the town of Amherstburg and to continue the same from the town of Windsor to any part of the village of Walkerville, subject, however, to the provisions contained in a certain agreement, in writing, entered into between the said A. J. Kennedy and the corporation of the town of Windsor, respecting the construction and operation of the said railway within the said town of Windsor, as set forth in schedule A to this Act: provided that the streets of the said towns, or the highways of any municipality, shall not be occupied or used by the said company for such extension unless by the permission heretofore or hereafter given by the municipal councils of the towns and municipalities expressed by by-law regulating the same.

Proviso.

35 V. c. 64, s.  
6, amended.

5. Section 6 of the said Act is hereby amended by striking out

out the word "seven" in the third line of the said section and substituting in lieu thereof the word "three."

6. Section 7 of the said Act is hereby repealed.

35 V. c. 64, s.  
7, repealed.

### SCHEDULE A.

MEMORANDUM OF AGREEMENT, made this twenty-sixth day of March, 1887, between the Corporation of the town of Windsor, of the first part, and Alfred J. Kennedy, of the township of Sandwich West, Superintendent, of the second part:—

WITNESSETH, that for divers considerations and the sum of one dollar, mutually paid each to the other of the parties hereto, whereof the receipt is hereby acknowledged, they the said parties hereto mutually agree each with the other as follows, that is to say:—

1st. That in the event of the municipal council of the corporation of the town of Windsor deeming it necessary or desirable to pave with wood or stone, or partly wood and partly stone, or with any other material, any street or part of any street occupied or traversed by the track of the Sandwich and Windsor Passenger Railway, it shall be obligatory for the said railway company, within thirty days from the day upon which written notice thereof shall by the said council be given in writing to the superintendent or acting superintendent of the said railway, to take up and remove the rails, ties and all other materials whereof the said track may be composed, from the said street or portion of street so occupied as aforesaid; and when the work of laying such pavement shall have progressed sufficiently for that purpose, shall replace the said track, including ties, stringers and rails, at the expense of the said company, and the said company shall make no claim against the said town for loss of time or business by reason of any interruption of the traffic upon or over the said railway during the necessary period required for such work, nor for the removal and re-laying of the said track.

2nd. That in the event of the said council deeming it necessary to regrade or alter the grade of any street or portion of street occupied or traversed by the track of the said railway, and it be found necessary to raise, lower or remove the said track, the said company shall, within thirty days after notice (given in the manner hereinbefore provided) requiring the said company so to do, raise, lower or remove the said track or the materials constituting the same, and shall, so soon as the said work of regrading or of altering the grade is completed or sufficiently advanced, replace or relay the said track at the expense of the said company, and the said company shall make no claim against the said town for loss of time or business by reason of any interruption of the traffic upon or over the said railway during



the necessary period required for such work, nor for the removal and relaying of the said track.

3rd. That in the event of the said council deeming it necessary to make or cause to be made along or under any street or portion of street occupied or traversed as aforesaid, any sewer or drain, or to open a trench or trenches in which to lay water-pipes, and it be found necessary to remove the said track, the said company shall within thirty days after notice (given in the manner hereinbefore provided) requiring the said company so to do, remove the said track or materials thereof, and shall, so soon as the said work is completed or sufficiently advanced, replace or relay the said track at the expense of the said company, and the said company shall make no claim against the said town for loss of time or business by reason of any interruption of the traffic upon or over the said railway during the necessary period required for such work or removal and relaying of the said track.

4th. That in the event of the said council authorizing any gas, water or oil company, or companies, to operate such works within the said corporation, the said railway company shall permit such company or companies to open a trench or trenches for the purpose of placing mains or pipes necessary for such works under or along the said railway track without compensation for loss of traffic or business during the necessary period required for such work, upon thirty days' notice (given in the manner hereinbefore provided), and if necessary the said railway company shall take up, remove and relay its track for such purposes, but the same shall be done by the said railway company at the expense of the said company or companies requiring the same.

5th. The said railway company shall keep their track, whether the same traverses or follows a paved street or otherwise, in a thorough state of repair at its own expense, with materials of a like character and kind employed in the other portions of the street between the space of the rails, but in the case of streets repaved or to be paved, the space or spaces between the rails of the said track shall be paved by the town at its expense, free of cost to the said company.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, and have affixed the corporate seal of the said town, signed by the mayor and clerk thereof, the day and year first above written.

Signed, sealed and delivered  
in the presence of,

As to the signatures of J. H.  
Beattie and Stephen Lusted,

(Signed), GEO. CHEYNE.

As to the signature of Alfred  
J. Kennedy,

(Signed), J. F. EGAN.

(Signed),

ALFRED J. KENNEDY, (SEAL)

Superintendent of the Sandwich and  
Windsor Passenger Railway.

(Signed), J. H. BEATTIE, (SEAL)

Mayor, Town of Windsor.

(Signed),

STEPHEN LUSTED, (SEAL)

Clerk, Town of Windsor

CHAPTER

## CHAPTER 81.

## An Act to incorporate the Southern Central Railway Company.

[Assented to 23rd April, 1887.]

WHEREAS the persons hereinafter named and others have Preamble.  
 petitioned for incorporation as a company to construct, equip, and operate a railway from Stratford to a point on Lake Erie in the township of Bayham, or to a point in the township of Malahide, passing through or near Ingersoll, with a branch to Brantford and Paris; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. William Watterworth, of Ingersoll, banker; Andrew Monteith, of Stratford; Frank Turner, of Bracondale, C. E.; Joseph Gibson, of Ingersoll, postmaster; Nicol Kingsmill, of Toronto, barrister; W. R. Marshall, of Stratford, merchant; R. T. Sutton, of Toronto, Esquire; Thomas William Dobbie, of Tilsonburg, lumber manufacturer, and Harry Symons, of Toronto, barrister, and such other persons and corporations as shall hereafter become shareholders of the said company, are hereby constituted a body corporate and politic under the name of the "Southern Central Railway Company" (hereinafter called the company). Incorporation.

2. The several clauses of *The Railway Act of Ontario*, shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act. Railway Act incorporated.

3. The said company hereby incorporated, and their servants and agents, shall have full power under this Act to construct, equip and operate a railway, with all its stations, sidings, telegraph and accessories, from Stratford to a point on Lake Erie in the township of Bayham, or to a point in the township of Malahide, passing through or near Ingersoll, with a branch to Brantford and Paris. Location of line.

4. The gauge of the said railway shall be four feet eight and one-half inches. Gauge.

Provisional  
directors.

5. From and after the passing of this Act, the said William Watterworth, Andrew Monteith, Frank Turner, Joseph Gibson, Nicol Kingsmill, W. R. Marshall, R. T. Sutton, Thomas William Dobbie, and Harry Symons, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, and shall hold office as such until the first election of directors under this Act.

Powers of  
provisional  
directors.

6. The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors; the said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors, shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the city of Toronto, or at such other place as may best suit the interests of the said company.

Capital stock.

7. The capital of the company hereby incorporated shall be \$500,000, with power to increase the same in manner provided by *The Railway Act of Ontario*, to be divided into ten thousand shares of \$50 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised and paid into the company shall be applied in the first place to the payment of all costs, charges and expenses of and incidental to the obtaining of this Act, or in promoting the undertaking, and of all expenses for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment, completion and the operating of the said railway, and the other purposes of this Act, and to no other purpose whatever; and until such preliminary expenses shall be paid out of such capital stock, the  
municipal

Municipal aid  
for prelimi-  
nary expenses.



municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

8. When and so soon as shares to the amount of \$50,000 of the capital stock of the said company shall have been subscribed, and ten per centum thereon paid into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the company, and which shall on no account be withdrawn therefrom unless for the services of the company, the provisional directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum upon the amounts subscribed by them, for the purpose of electing directors of the said company.

First meeting  
for election of  
directors.

9. In case the provisional directors neglect to call a meeting for the space of three months after \$50,000 of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers collectively for not less than \$5,000 of the capital stock, and who have paid up all calls thereon.

Provision  
in case  
directors  
neglect to  
call meeting.

10. In either of the cases last mentioned, notice of the time and place of holding such general meeting shall be given by publication in at least one of the daily newspapers in the city of Toronto, once in each week for the space of at least one month, and in the *Ontario Gazette*; and such meeting shall be held in the said city of Toronto, at such place therein, and on such day, and at such hour as may be named and set forth in such notice.

Notice and  
place of  
meeting.

11. At such general meeting the subscribers to the capital stock, present in person or by proxy, who shall have so paid up ten per centum in respect to their subscriptions, shall choose not less than five nor more than eight persons to be directors of the said company, which said directors shall constitute a board of directors, and shall hold office until the next annual general meeting, or until other directors be elected in their stead; and may also make and pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of  
directors.

12. No person shall be qualified to be a director unless he be a shareholder holding at least twenty-five shares of stock in the said company, and unless he has paid up all calls thereon.

Qualification  
of directors.

Rights of  
aliens.

**13.** Aliens as well as British subjects, and whether resident within this Province or elsewhere, may be shareholders in the said company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors in the said company.

Annual  
meetings.

**14.** Thereafter the annual general meeting of the shareholders of the said company shall be held at such place in the city of Toronto, and on such days, and at such hours as may be directed by the by-laws of the said company; and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and once in each week, during the four weeks preceding the week in which such meeting is to be held, in at least one of the daily newspapers published in the city of Toronto.

Special  
meetings.

**15.** Special general meetings of the shareholders of the said company may be held at such places in the city of Toronto, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company, and after due notice shall be given as provided in the last preceding section.

Scale of votes.

**16.** Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share so held.

Corporations,  
how  
represented.

**17.** At all meetings of the shareholders of the company, the stock held by municipal and other corporations may be represented by such persons as they shall respectively have appointed in that behalf by resolution under the seal of the corporation, and such persons shall at such meeting be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Quorum of  
directors.

**18.** Any meeting of the directors of the said company regularly summoned, at which at least three of the provisional directors or of those elected by the shareholders are present, shall be competent and entitled to exercise and use all and every of the powers hereby vested in the said directors, and the said board may employ one of their number as paid director.

Calls.

**19.** Calls on the subscribed capital of the said company may be made by the directors for the time being, as they shall see fit: provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at not less intervals than one month, and notice of each call shall be given as provided in section 14 of this Act.

**20.** Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company. Transfer of shares.

**21.** Should the shareholders of the company resolve that the interests of the company would be best promoted by enabling one or more of the directors to act for the company in any particular matter or matters, it shall be lawful for the directors, after such resolution, to confer such power upon one or more of their number. Appointment of director as special agent.

**22.** Conveyances of land to the said company for the purposes of and powers given by this Act, made in the form set forth in schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates indorsed on the duplicates thereof. Form of conveyances.

**23.** The said company may receive from any Government, or from any person or bodies corporate or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, or of any of the works authorized under this Act to be undertaken, by way of gift, bonus, or loan of money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. Aid to company.

**24.** Any municipality, or any portion of any township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained: provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality, as the case may be, in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. Aid from municipalities. Proviso.

**25.** Such by-law shall be submitted by the municipal council to the vote of the ratepayers, in manner following, namely: Provisions as to bonus by laws.



1. The proper petition shall first be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

2. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act, 1883*;

3. In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1883*, as aforesaid;

4. In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

Provisions of  
by-law,

**26.** Such by-law shall in each instance provide:

1. For raising the amount petitioned for in the municipality or portion of the township municipality, (as the case may be,) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law;

2. For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law, (as the case may be,) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves, and other officers thereof, are hereby authorized to execute and issue in such cases respectively;

3. In the case of guarantee, the by-law shall provide for the due application of the amount to be raised for the purpose thereof, and for assessing, and levying upon all ratable property lying within the municipality, minor municipality, or portion of the township municipality defined by the said by-law (as the case may be), an annual special rate sufficient to pay from time to time the sum guaranteed, and to include a sinking fund in the case of the principal of the debentures of the company being guaranteed for a period not exceeding  
twenty

twenty years, which guarantee, the respective municipal councils, wardens, mayors, reeves, or other officers, are hereby authorized to execute.

**27.** In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law, would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the Registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense of the reference shall be borne by the petitioners against the same; but if amended, then by the railway company or the county, as the arbitrators may order.

Provisions for referring to arbitration disputes as to bonus by-laws.

**28.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

Minor municipality, meaning of.

**29.** Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Deposit for expenses.

**30.** In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time, and pass the same.

If by-law carried, council to pass same,

**31.** Within one month after the passing of such by-law, the said council and the mayor, warden, reeve, or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed, or to be appointed under this Act.

And issue debentures.

**32.** In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for

Levying rate on portions of municipality.

for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Municipal Act  
to apply to  
by-law.

**33.** The provisions of *The Consolidated Municipal Act, 1883*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Extension of  
time for com-  
mencement.

**34.** The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time: provided that no such extension shall be for a longer period than one year.

Extension of  
time for com-  
pletion.

**35.** It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works, on the completion of which the said company would be entitled to such bonus, from time to time: provided that no such extension shall be for a longer period than one year at a time.

Rate not  
exceeding  
three cents in  
the dollar  
valid.

**36.** Any municipality or portion of a township municipality interested in the construction of the road of the said company, may grant aid by way of bonus to the said company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof, beyond what is allowed by law: provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Proviso.

Exemption  
from taxation.

**37.** It shall be lawful for the corporation of any municipality, through any part of which the railway of the said company passes or is situated, by by-law expressly passed for that purpose, to exempt the company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Grants of  
land.

**38.** Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the



said company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

**39.** Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor, shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, or in case of only one municipality granting a bonus, then by the head of such municipality, all the trustees to be residents of the Province of Ontario: provided that if the said heads of the municipalities, or head of the said municipality, shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trustees of  
debentures.

Proviso.

**40.** The said trustees shall receive the said debentures or bonds in trust, (firstly) under the directions of the company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the city of Toronto, in the name of "The Southern Central Railway Company Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate, under a penalty of \$500, recoverable

Trusts of  
proceeds of  
debentures.

recoverable in any Court of competent jurisdiction, by any person who may sue therefor.

Fees to trustees.

**41.** The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Right to use highways.

**42.** It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession of or under the control of any joint stock company; and if such highway be either in the possession of or under the control of any joint stock company, then also with the assent of such company; and it shall and may be lawful for the company to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Closing roads.

**43.** The said company shall have the power of closing up any road or highway crossing through any of their station grounds, provided the said company shall have the consent of the municipality in which the road is situated, by a by-law passed for that purpose, and provided a road adjacent thereto and convenient for the public, be provided in lieu of any such closed road.

Power to erect snow-fences.

**44.** The company shall have the right, on and after the 15th day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law, in respect of such railway, to have been actually suffered: provided always that any such snow fences so erected shall be removed on or before the 1st day of April following.

Proviso.

Telephone and telegraph lines.

**45.** The said company may also construct a telephone line and an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telephone and telegraph lines, the powers conferred upon telegraph companies by *The Act respecting Electric Telegraph Companies* (chapter 151 of *The Revised Statutes of Ontario*), are hereby conferred upon the said company.

Power to contract for construction and

**46.** It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals

viduals for the construction or equipment of the line or any portion thereof, including or excluding the purchase of the right of way, and to pay therefor either in cash or bonds, or in paid up stock or otherwise, as may be deemed expedient: provided that no such contract shall be of any force or validity till approved of by two-thirds of the shareholders present, in person or by proxy, at a meeting specially called for considering the same.

equipment of  
railway.  
Proviso.

47. It shall be lawful for the directors of the company to enter into agreement with any company or companies (if lawfully authorized to enter into such an agreement), person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies (if so lawfully authorized), for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

Agreements  
for use of  
rolling stock,  
etc.

48. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back-charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities, as the persons to whom such charges were originally due, had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Power to  
collect back-  
charges on  
goods.

49. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note made or endorsed, or any such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary, treasurer, or other proper officer of the said company, and under the authority of a quorum of the directors, shall be binding on the said company; and every such promissory note or bill of exchange so made, accepted or endorsed, shall be presumed to have been made, accepted or endorsed with proper authority, until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary or treasurer, or other officer aforesaid, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors, as herein provided and enacted: provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or

Power to make  
and endorse  
notes and bills  
without  
affixing seal.

Proviso.



or bill of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of a bank.

Issue of  
bonds.

**50.** The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the said company, and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof, upon the undertaking and property of the company as aforesaid: provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$20,000 per mile; and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders: provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

Proviso.

Proviso.

Proviso.

Form of  
bonds.

**51.** All such bonds, debentures and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may sue at law thereon in his own name, and all such bonds, debentures and other securities and coupons and interest warrants thereon respectively may be made payable in lawful money of Canada, or in sterling money of Great Britain, at some place in Canada or London, England, or in the city of New York, in the state of New York, or at all or any of such places.

Power to keep  
duplicate seal.

**52.** It shall be lawful for the said company to have and keep a duplicate seal for the transaction of such of their business in the United Kingdom of Great Britain and Ireland, or in the United States of America, as the board of directors of the said company may from time to time designate, and the said seal may be used and affixed in all such cases by such officer or officers, agent or agents, as the said directors may by by-law from time to time direct, and any instrument to which the

the said duplicate seal shall be so affixed, shall be valid and binding upon the said company.

**53.** The company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds or debentures which, under the powers of this Act can be issued for the construction of the railway or otherwise.

Power to mortgage bonds.

**54.** The said provisional directors, or the elected directors, may pay or agree to pay, in paid up stock or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of the majority of shareholders present at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional directors or not, and any such agreements so made shall be binding on the company.

Payments in bonds or stock authorized in certain cases.

**55.** It shall and may be lawful for the company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the company, wharves, piers, docks, water lots, water frontages, and lands; and upon the said water lots, water frontages and lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses and engine houses, sheds, wharves, docks, piers and other erections for the use of the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessels; and to collect wharfage, storage, and other charges for the use of the same; and also to erect, build, repair, and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen, and enlarge such works; and the said wharves, piers, and docks, water lots, water frontages, lands, elevators, storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portions thereof, in its discretion to sell, lease, or convey.

Power to purchase, etc., wharves, etc.

**56.** It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair, steam or other vessels, from time to time to ply on the lakes, rivers and canals of this Province, in connection with the said railway; and also to make arrangements and agreements with steamboat and vessel proprietors,

Power to purchase and work vessels in connection with the railway.

proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals, in connection with the said railway.

Power to construct railway in sections.

**57.** The said company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and amendments thereto, with respect to "plans and surveys," by sections or portions less than the length of the whole railway authorized, of such length as the said company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of *The Railway Act of Ontario*, and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act of Ontario*, and the amendments thereof, with respect to "plans and surveys."

Power to purchase whole lots.

**58.** Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining, and using the said railway, and in case by purchasing the whole of any parcel or lot of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, or enjoy such lands, and also the right of way thereto if the same be separate from their railway, and may sell and convey the same or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring gravel, etc., for construction and maintenance of railway.

**59.** When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situated for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in the

case



case of acquiring the roadway, and the notice of arbitration, the award and the tender of compensation shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining of materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

**60**—(1) When said gravel, sand, stone, or other material shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway; Sidings to gravel pits.

(2) When estimating the damages for the taking of gravel, stone, or sand, sub-section 8 of section 20 of *The Railway Act of Ontario* shall not apply.

**61.** The construction of the said railway shall be commenced within three years, and the same shall be completed within five years, after the passing of this Act. Commencement and completion of railway.

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## SCHEDULE A.

(Section 22.)

Know all men by these presents that I (or we) [*insert the name of the vendors*], in consideration of                      dollars paid to me (or us) by the Southern Central Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto

unto the said company, and I (or we) [*insert the name of any other party or parties*] in consideration of        dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Southern Central Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*) and I (or we) the wife (or wives) of the said       , do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this        day of        A.D. 18

Signed, sealed and delivered }  
in the presence of        } [L.S.]

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## SCHEDULE B.

(Section 40.)

### CHIEF ENGINEER'S CERTIFICATE.

THE SOUTHERN CENTRAL RAILWAY COMPANY'S OFFICE,  
Engineer's Department,        A.D. 188

No.

Certificate to be attached to cheques drawn on "The Southern Central Railway Company Municipal Trust Account," given under section       , chapter        of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A.B., Chief Engineer of the Southern Central Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No.        of the township of        (or under the agreement dated the        day of        between the corporation of        and the said company) to entitle the said company to receive from the said trust the sum of        (*here set out the terms and conditions, if any, which have been fulfilled.*)

## CHAPTER 82.

## An Act to incorporate the Thames Valley Tramway Company.

[Assented to 23rd April, 1887.]

WHEREAS Thomas H. Smallman, V. Cronyn, William Bowman, Samuel Crawford and William Saunders, have

Preamble.

petitioned that an Act may be passed incorporating them under the name of the Thames Valley Tramway Company, and authorizing the construction, operation and maintenance of a tramway from a point in or near the city of London, along or near the valley of the River Thames, to a point on the river at or near Springbank, where the works which supply the said city with water are situated; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said Thomas H. Smallman, V. Cronyn, William Bowman, Samuel Crawford and William Saunders, and such other persons and corporations as shall, in pursuance of this Act, become shareholders, are hereby constituted a body corporate and politic by the name of "The Thames Valley Tramway Company."

Incorporation.

2. *The Railway Act of Ontario*, chapter 165 of the Revised Statutes of Ontario, and the several clauses thereof respecting "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors," "calls," "dividends," "shares and their transfer," "shareholders," "municipalities taking stock," "by-laws, notices, etc.," "actions for indemnity, and fines and penalties, and their prosecution," and section 92 of the "general provisions" of the said Act, are incorporated with and form part of this Act, and shall apply to the said company and the tramway to be constructed by them, except only in so far as they are inconsistent with the express enactments hereof, and the expression "this Act" when used herein shall include the clauses of the said *Railway Act of Ontario*, so incorporated with this Act, but in case the motive power used be a steam locomotive it shall only be such as is known as the "dummy engine."

R. S. O. c.  
165, incorporated  
herewith.

3. The said company shall have full power, under this Act, to construct, maintain and operate a tramway from a point in or near the city of London, along, at or near the valley of the river Thames to a point on the river near Springbank, aforesaid,

Powers of  
company.



said, and, having obtained the consent of the corporation of the city of London, to construct and maintain at Springbank, aforesaid, a bridge over the said river for the use of passengers by the said tramway.

Gauge.

4. The said tramway may be of any gauge.

Provisional directors.

5. The persons named in section 1 shall be provisional directors of the said company to organize the same, three to form a quorum, and shall hold office until the election of directors as hereinafter provided for.

Number of directors.

6. The number of directors of the said company shall be five, who shall be elected annually at a general meeting of the shareholders, to be held wherever the said provisional directors shall locate the office of the company, on the first Monday in the month of March, in each year, three of whom shall form a quorum for the transaction of business. The first annual meeting of the shareholders of the company shall be held on the first Monday of March, after the organization of the company has taken place. The method of calling general meetings, or any other meeting of the shareholders of the company, shall be determined and settled by by-law of the directors.

First annual meeting.

Powers as to lands.

7. The company may construct their tramway upon and along the margin of the River Thames ; and upon and over any private property in the village of London West, and in the townships of London and Westminster ; and upon and along such portions of the streets and highways of the said village of London West, and of the said townships under and subject, as to such streets and highways, to the use of a rail similar to the tram-rail at present in use by the London Street Railway Company in the city of London, laid flush with the surface of such streets and highways and to any agreement or agreements hereafter to be made between the company and the municipalities of London West, the township of London and the township of Westminster, or any or either of them, and under and subject to any by-law or by-laws of the council or councils of the said municipalities passed in pursuance thereof, but the company shall not have power to expropriate any property of the corporation of the city of London, except with their consent in writing first had.

Acquiring property for purposes of recreation.

8. In addition to the lands required for the use of the said tramway, the company may purchase, take on lease, or otherwise acquire along the route, or at the terminus of said tramway, such lands, buildings and personal property, as may be deemed sufficient by the directors of the company, for the purposes of recreation and the entertainment of the patrons of the said tramway, but the expropriation clauses of *The Railway Act of Ontario* shall not apply to this section.

9. The said company may amalgamate with the London Street Railway Company upon such terms as shall be agreed upon by the directors of both companies, provided such amalgamation is approved of and confirmed by a vote of at least two-thirds of the shareholders of each company present at special meetings of the shareholders of each company, respectively called for the purpose of considering the same.

Amalgama-  
tion with Lon-  
don Street  
Railway  
authorized.

10. The capital of the company hereby incorporated shall be \$100,000 in five thousand shares of \$20 each; and so soon as \$20,000 worth of stock is subscribed, and ten per cent. paid thereon, the company may commence operations, and exercise the powers hereby granted; but the company shall commence operations within two years and shall complete their tramway within three years from the passing of this Act.

Capital.

Time of  
commence-  
ment and  
completion.

## CHAPTER 83.

### An Act to change the name of the Thunder Bay Colonization Railway Company.

[Assented to 23rd April, 1887.]

WHEREAS the Thunder Bay Colonization Railway Com-pany was duly incorporated under the provisions of an Act of the Legislature of Ontario passed in the 46th year of Her Majesty's reign, chaptered 56; and whereas certain further powers were given and amendments made by an Act of the Legislature of Ontario passed in the 49th year of Her Majesty's reign, chaptered 79; and whereas the said Thunder Bay Colonization Railway Company has by its petition prayed that its corporate name may be changed; and whereas it is expedient to grant the prayer of such petition;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The corporate name of the said company shall be changed to that of "The Port Arthur, Duluth and Western Railway Company," by which name instead of "The Thunder Bay Colonization Railway Company" the said company shall have and exercise all the powers and privileges granted by the said Acts or any other Acts relating to the said company.

Name  
changed.

2. Notwithstanding the said change of name it shall be lawful for the said company to apply for and receive in the name of the Thunder Bay Colonization Railway Company all subsidies or aid granted to the Thunder Bay Colonization Railway Company under or by virtue of any Act of the Parliament or Order in Council of the Dominion of Canada in the same manner as if this Act had not been passed.

Right to cer-  
tain subsidies  
not affected.

3.

46 V. c. 56, s.  
30 & 49 V. c.  
79, s. 3, re-  
pealed.

3. Section 30 of the Act passed in the 46th year of Her Majesty's reign, chaptered 56, as amended by section 3 of the Act passed in the 49th year of Her Majesty's reign, chaptered 79, is hereby repealed, and the following section is substituted therefor :

Issue of bonds.

The directors of the company, after the sanction of the shareholders shall have been first obtained at any annual general meeting, or any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claim and charge upon the undertaking and real property of the company, including its rolling stock and equipments, then existing and at any time thereafter acquired ; and each holder of the said bonds shall be deemed a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid ; and the company may by by-law before issue, fix and define the amount or denomination of such bonds, the time or times and the place or places for payment of the principal moneys thereof, and the interest thereon, and other particulars in reference thereto : provided, however, that the whole amount of such issue of bonds shall not exceed \$20,000 per mile of the said railway, and that the rate of interest thereon shall not exceed six per centum per annum ;

Proviso.

Proviso.

Proviso.

and provided, also further, that in the event at any time of the interest of the said bonds remaining unpaid and owing, then at the next ensuing general meeting of the company and at all subsequent general meetings, so long as such interest or any part thereof shall remain unpaid and in arrear, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting, and for all purposes as are attached to shareholders : provided that the holder of any bond or bonds shall have at least three days before any such meeting produced the bond or bonds held by him to the secretary for registration in his name, or that in the case of the holder of any bond or bonds residing in Great Britain and Ireland, and having such bond or bonds in his custody or under his control, then such holder shall have, at least three days before any such meeting, produced to the secretary, a certificate under the hand and official seal of a notary public stating the numbers of such bond or bonds, and that they had been produced before him by such holder, and in either of such cases it shall be the duty of the secretary to register the name of such holder and the numbers of the bonds held by him, but the failure or neglect of the secretary in that respect shall not affect the rights, privileges and qualifications of such holder or holders ; any such bondholder shall be entitled to five votes for every bond of the amount of one hundred pounds sterling held by him, or in that proportion.



## CHAPTER 84.

## An Act to amend the Act incorporating the Brockville Gas Light Company.

*[Assented to 23rd April, 1887.]*

WHEREAS the Brockville Gas Light Company have, by Preamble.  
 their petition, prayed that an Act may be passed authorizing the said company to increase the amount of the capital stock thereof, as fixed by the Act incorporating the said company, passed in the 16th year of Her Majesty's reign, and chaptered 108, extending the powers of the said company, and enabling the said company to borrow money on mortgage, and otherwise; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the said company to add to their present capital stock such sums that the said capital stock may equal, but not exceed the sum of \$80,000, and to raise such additional capital stock either by subscription among the present shareholders, or by the admission of new shareholders, or partly in one way, and partly in the other way. Increase of capital stock authorized.

2. Every person subscribing for, or taking any share, or shares, in such additional capital stock, shall have the same rights, and be subject to the same provisions, rules, and liabilities, as the original subscribers and shareholders of the said company, and the various clauses of the said Act of incorporation, applicable to the shares and shareholders of the said company, shall apply to the shares hereby authorized to be issued, or subscribed for, except so far as the same may be inconsistent with the provisions hereof. Rights and liabilities of subscribers for new stock.

3. The said company may, from time to time, borrow money, and as security for the money so borrowed, may give its promissory note or notes signed by the president, or vice-president, and manager, or secretary thereof, or may mortgage the whole, or any part of the real and personal estate, plant, buildings and machinery of said company, and may insert in the instrument or instruments of mortgage all such powers of sale, and other powers and covenants as are usual and proper in a mortgage from a private individual. Power to borrow on mortgage, etc.

4. Chapter 157 of the Revised Statutes of Ontario, and amendments thereto, respecting joint stock companies, for supplying cities, towns and villages, with gas and water, shall apply to the said company. R. S. O. c. 157, to apply to company.

CHAPTER

## CHAPTER 85.

## An Act to further extend the powers of the Consumers' Gas Company of Toronto.

*[Assented to 23rd April, 1887.]*

Preamble.

**W**HEREAS the Consumers' Gas Company of Toronto have petitioned for authority to increase the capital stock of the said company and the amount of their real estate, to meet the requirements of the rapidly increasing population of the city of Toronto, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Increase of capital stock authorized.

**1.** It shall be lawful for the company to add to their present capital stock such an amount as shall increase the same to a sum not exceeding \$2,000,000, divided into shares of \$50 each, provided that such increase of capital stock shall be first agreed upon by a majority of the votes of the shareholders present at any annual general meeting or meetings, or at any special meeting or meetings called from time to time for that purpose.

Stock may be issued in parcels.

**2.** It shall not be obligatory upon the company to sell, at one time, the whole amount of stock authorized by this Act, but the company may, from time to time, limit the number of shares to be offered for sale to such an amount as may be from time to time agreed and decided upon by a majority of the votes of shareholders present at any general or special meetings of the shareholders as aforesaid called for that purpose.

Notice of meetings.

**3.** The notice of any special meeting or meetings of the stockholders of the company called by the directors of the company in pursuance of this Act, may be given by inserting a notice specifying the time, place and object of such meeting in at least two daily newspapers published in the city of Toronto in each issue thereof during the three weeks next preceding the day fixed for such meeting.

Stock to be sold by auction and surplus over par value added to reserve.

**4.** All shares to be issued under the provisions of this Act shall be sold by public auction after three weeks' notice in two of the daily newspapers published in the city of Toronto, such shares to be put up in lots of ten shares each, and all surplus realized over the par value of the shares so sold shall be added to the rest or reserve fund of the company, until the same shall be equal to one-half of the paid up capital stock of the company, the true intent and meaning

meaning being that the company may at all times have and maintain a rest or reserve fund, equal to, but not exceeding, one-half of the then paid up capital of the company, and which rest or reserve fund may be invested in Dominion or Provincial stock, municipal debentures, school debentures, drainage debentures, debentures of loan companies, and mortgages on real estate.

5. The shares of such increased stock shall be paid in, <sup>Payments on new stock.</sup> together with the premiums (if any) thereon, by such instalments and at such times and places and under such regulations as the directors may from time to time appoint.

6. There shall be created and maintained by the company, <sup>Renewal fund.</sup> out of the earnings of the company, another fund, to be called the plant and buildings renewal fund, to which fund shall be placed each year the sum of five per cent. on the value at which the plant and buildings in use by the company, stand in the books of the company, at the end of the then fiscal year of the company, and all usual and ordinary renewals and repairs shall be charged against this fund.

7. Any surplus of net profit, from any source whatever, <sup>Special surplus account.</sup> including premiums on sales of stock, after the rest or reserve fund shall have been established and maintained as aforesaid, remaining at the close of any fiscal year of the company after payment of fees to the president, vice-president, and directors of the company, (not exceeding in all the sum of \$9,000 per annum), after payment of dividend at the rate of ten per cent. per annum on the paid up capital stock of the company, and the establishment and maintenance of the said rest or reserve fund, and providing for said plant and buildings renewal fund, shall be carried to a special account, to be known as the special surplus account, and whenever the amount of such surplus is equal to five cents per thousand cubic feet on the quantity of gas sold during the preceding year, the price of gas shall be reduced for the then current year, at least five cents per thousand cubic feet to all consumers.

8. If in any year, the net profits of the company, <sup>Application of reserve fund.</sup> from all sources, are not sufficient to meet the requirements of the company for the payment of fees to the president, vice president and directors (limited as aforesaid), the payment of dividends at said rate of ten per cent. per annum, as aforesaid, and to provide for the plant and buildings renewal fund, it shall and may be lawful for the directors of the company in their discretion, to draw upon the said rest or reserve fund to the extent of any such deficiency, and to restore any amount so drawn from time to time from said rest or reserve fund, out of the earnings of the company, but the said rest or reserve fund shall not be otherwise drawn upon.



Audit of company's accounts.

9. The company shall give not less than two weeks written notice by registered letter, to the mayor of the city of Toronto for the time being of the time of commencing the annual audit of the books and accounts of the company, and it shall and may be lawful for an auditor to be appointed by the mayor of the corporation of the city of Toronto, should he deem it advisable to make such appointment, to be present at such annual audit, and for the purpose of verifying the company's annual statement, to have access at the company's office to all books, accounts and papers necessary for such purpose.

Power to hold real estate of \$25,000 yearly value.

10. Notwithstanding anything contained in former Acts affecting the company, it shall be lawful for the company to acquire and hold real estate, of which the total yearly value shall not exceed \$25,000, over and above the yearly value of any buildings and works now, or which may be hereafter erected thereon.

## CHAPTER 86.

### An Act respecting the Gore District Mutual Fire Insurance Company.

[Assented to 23rd April, 1887.]

Preamble.

WHEREAS the Gore District Mutual Fire Insurance Company have petitioned for certain amendments to the Act entitled, *An Act to extend the powers of the Gore District Mutual Fire Insurance Company*, passed in the 31st year of Her Majesty's reign and chaptered 56, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

31 V. c. 56, ss. 3, 9-11, 14 and 15, repealed.

1. Sections 3, 9, 10, 11, 14 and 15 of the said Act are hereby repealed and the following section is substituted therefor:

Bonus to members.

"After the reserve fund of the company has reached the sum of \$100,000, all liabilities being deducted, it shall be lawful for the directors to declare from time to time, by by-law passed in that behalf, a bonus out of the net profits after the sum aforesaid has been reserved; and, subject to the terms of said by-law, to issue the said bonus to the then members of the company either by way of cash refund, or of bonus scrip, to be applied towards the payment of future premiums or assessments; it shall also be lawful for the directors, pursuant to by-law passed in that behalf, to allow interest on cash payments made in advance of premiums or assessments thereafter due, or to become due."

CHAPTER

## CHAPTER 87.

## An Act to amend the Acts relating to the Long Point Company.

*[Assented to 23rd April, 1887.]*

**W**HEREAS the Long Point Company were incorporated under an Act of incorporation, passed in the twenty-ninth and thirtieth years of Her Majesty's reign, which Act of incorporation was amended by an Act of the Legislative Assembly of the Province of Ontario, passed in the forty-ninth year of Her Majesty's reign and chaptered 83; and whereas the said company have expended large sums of money in carrying on the purposes and business for which they were incorporated, and have no power to mortgage or bond the lands and property of the company, for the purpose of borrowing money; and whereas it will benefit and advance the purposes and business of the company to grant such power to the extent hereinafter set forth; and whereas they have prayed for the passing of an Act to that end, and it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows—

1. In this Act, and the by-laws of said company heretofore or hereafter made, the expression "the company," shall mean the Long Point Company, the word "shareholders" shall mean every subscriber to, or holder of, stock in the company, and shall extend to, and include, the personal representatives of the shareholders, and the words "life right member" shall mean the holder of any right to hunt, shoot, or fish, upon any part of the company's property, for life, or any less term. Interpretation.

2. The directors of the company, after the sanction of a majority of the shareholders shall have been first obtained, at any special general meeting, to be called from time to time for such purpose, shall have power to issue bonds, of not less than \$100 each, made and signed by the president, and two of the directors of the company, and countersigned by the secretary, and under the seal of the company, to the extent of not more than \$25,000, and such bonds shall, without registration, or formal conveyance, be taken, and considered to be the first, and preferential claims, and charges upon the franchises, and real and personal property of the company, then, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof upon the franchises, and real and personal property of the company then, and at any time Power to issue bonds.

time thereafter acquired, and the directors may, after such sanction as aforesaid, from time to time, to the extent aforesaid, renew, or re-issue, such bonds as aforesaid, upon the surrender, or expiration, of any issue, or issues thereof.

Coupons or  
interest  
warrants.

3. All such bonds may have coupons thereon, or attached thereto, for payment of interest half-yearly, at a rate not to exceed six per centum per annum, and such bonds and coupons may be made payable to bearer, and transferable by delivery, and any holder of any such bond, or coupon, so made payable to bearer, may sue at law thereon, in his own name.

Power to  
mortgage  
bonds.

4. The company may, from time to time, for advances of money to be made thereon, mortgage, or pledge any of said bonds, and they may, from time to time, sell them for such price as they may see fit, and the money so procured may not only be applied and used for the general purposes of the company, but also wholly, or in part, in purchasing capital stock of the company from the holders thereof, from time to time, as the directors may deem expedient.

Calls.

5. The directors may, from time to time, make calls or assessments upon the shareholders for a sufficient amount per share upon all outstanding stock not held by the company, to pay the interest accruing due upon all sold or mortgaged bonds, and also, from time to time, make calls, or assessments, upon the shareholders and life right members, for the general purposes of the company, and to pay the current expenses of the company, and the cost of the management, operation, and control of its business and affairs, and the protection, preservation, maintenance, repair, improvement, and enlargement of its property and franchises; provided, however, that such last mentioned calls and assessments shall not exceed in all, in any one year, upon shareholders, \$150, for every five shares of stock, and upon a life right member, one-half the amount assessed upon five shares of stock, and no life right member shall be liable to pay the assessment for any year in which he does not shoot upon the company's property.

Proviso.

Enforcing  
payment of  
calls.

6. All such calls and assessments shall be paid when, and as the directors of the company shall require, or as the by-laws may provide, and if not paid at the day required, interest at the rate of seven per cent per annum shall be payable after the said day upon the amount due and unpaid, and in case any such call or assessment shall not be paid, as required by the directors, with interest thereon, after such demand or notice, as the by-laws may prescribe, and within the time limited by such notice, the company may collect the amount of such call or assessment, by action in any Court of competent jurisdiction, in the name of the company, with interest at seven per centum per annum; provided always, that all such calls and assessments shall be a first lien and charge upon  
the

Proviso.



the stock in whosoever hands the same may be, and the holders of such stock, and the life right members, shall be debarred from entry upon the company's property while in default for any assessment so made, and no share shall be transferred while in default for, or charged with any assessment or other liability to the company.

7. Nothing hereinbefore contained shall be construed to interfere with or prejudice the rights and privileges vested in and acquired by James M. Salmon, of the town of Simcoe, in the county of Norfolk, physician, under and by virtue of a license granted to him by said company, bearing date the fourth day of March, 1871, and registered in the registry office, in the said county on the 25th day of July, 1874, in Book 18, No. 36,523, or to render him liable as a life right member or otherwise, on account of having said license to any such calls or assessments aforesaid, or shall empower the company to assess or impose the same against or upon him.

Rights of J.  
M. Salmon  
not affected.

## CHAPTER 88.

### An Act to amend the Act incorporating the Queen City Fire Insurance Company.

[Assented to 23rd April, 1887.]

WHEREAS The Queen City Fire Insurance Company have by their petition prayed for an Act to amend their Act of incorporation passed in the 34th year of Her Majesty's reign, chaptered 73; and whereas it is expedient to grant the prayer of the said petition ;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Section 6 of the Act passed in the 34th year of Her Majesty's reign, chaptered 73, and intituled "*An Act to Incorporate the Queen City Fire Insurance Company*" is hereby amended by striking out the words "provided always that all risks insured against shall be within the county of York in the Province of Ontario" which occur in the said section.

34 V. c. 73, s.  
6 amended.

## CHAPTER 89.

## An Act to incorporate the Western Fair Association.

[Assented to 23rd April, 1887.]

Preamble.

**W**HEREAS James Cowan and others, hereinafter named, have by their petition prayed that an association may be incorporated for the purpose of promoting industries, arts and sciences generally, and of establishing and holding agricultural, industrial, art and other exhibitions at the city of London; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation.

**1.** James Cowan, Andrew William Porte, John William Little, Richard Whetter, Lawrence Cleverdon, Donald MacKenzie, Geo. Douglass, John Walker, Thomas Green, William Y. Brunton, T. Herbert Marsh, John Green, Robt. C. Struthers, John Wolfe, William John Reid, A. M. Smart, W. R. Hobbs, Thomas R. Parker, Robert Lewis, Moses Masuret, and others, the several representatives of the several societies, corporations and associations hereinafter named, together with all such other persons and representatives of other corporations, societies and associations as shall under the authority of this Act, be associated with them, in, and become members of, the corporation hereby created, shall be a body politic and corporate, by the name of the Western Fair Association and by that name shall and may have perpetual succession, and a common seal, with the power to break and alter the same, and by that name shall and may sue and be sued in all Courts in this Province; and the said corporation shall have their principal place of business at London, but may open such office or offices at such places as may be found necessary or convenient for the purposes of their business.

Exhibitions authorized.

**2.** The said association is hereby authorized and empowered either permanently or periodically in structures, buildings, enclosures, and places located in the city of London, or the township of London or Westminster, suitable for exhibition purposes and for the promotion of industries, arts and sciences generally, to exhibit any and every variety of thing and being, found in animal and vegetable life, and every kind and variety of mineral; to exhibit products, wares, goods, merchandise, machinery, mechanical inventions and improvements of every nature, name and kind, and such as are generally exhibited at fairs, including the various processes of manufacture; to exhibit paintings and statuary of any and every nature

nature and kind; to exhibit and develop the points and qualities of the several breeds of horses and other animals, by such competitive tests as may be humane and proper, and as may be deemed expedient and to make such other exhibitions as will be in conformity with the purposes and objects of this Act; and the said association is hereby further authorized, but only for carrying on and maintaining the business aforesaid, and such other business as may be hereafter mentioned, to hold, own, and acquire, by lease, purchase, gift or otherwise, property, real and personal, at such prices and on such terms and conditions as may be agreed upon, and may improve and use the same, by the construction of such buildings, houses, works, and improvements as are necessary, and as may be deemed proper; and the said association is hereby further authorized to cultivate such portions of their grounds as they may deem proper for the propagation of plants, trees, shrubs or other things of a vegetable nature, and also to manufacture and raise articles and things required in the various exhibitions contemplated; and to sell, mortgage, lease, or otherwise dispose of any property at any time held by the said association; provided always, and it is enacted, that the said association shall at no time acquire or hold, any lands or tenements or interests therein, exceeding in the whole, at any one time the annual value of \$10,000, nor otherwise than for actual use or occupation for the purposes of the said corporation.

Authority to  
acquire and  
dispose of  
property.

Proviso.

3. The said association is hereby authorized to charge such admission fees as may be deemed proper to receive for exhibiting every thing contemplated by this Act; to charge such entrance fees and to award, give and pay to exhibitors such prizes, medals and honorary distinctions as they may deem proper, and to let or lease stalls, stands, rooms and places in any of their buildings or structures, or in any part of their grounds or property, upon such terms and conditions and for such purposes, as the board of directors may deem best for the interests of the said association.

Entrance fees,  
prizes, etc.

4. The President of the Agricultural and Arts Association of Ontario, the mayor of the city of London, the treasurer of the city of London, five members of the council of the corporation of the city of London, to be appointed by by-law of the said council at the time when the standing committees thereof for the year are appointed (but a failure to appoint them shall not prevent the appointment being made afterwards), the president, vice-presidents and six members of the electoral division of the city of London Horticultural and Agricultural Society, the warden of the county of Middlesex and two representatives, being members of the county council of the county of Middlesex, to be named and appointed by the said council at the time of the appointment of the several standing committees thereof for the year, the president, two vice-presidents and six members of the electoral division

Members of  
association.



division of East Middlesex Agricultural Society; two representatives from the electoral division of North Middlesex Agricultural Society, two representatives from the electoral division of West Middlesex Agricultural Society, the president and six members of the London Board of Trade, two members each from all the electoral district agricultural societies in the western peninsula, two representatives from the board of education of the city of London, viz.: the chairman and one member, two representatives from each of the several corporations, associations, organizations, societies and public bodies following, that is to say: the Ontario Society of Artists, the Western Ontario School of Art and Design, the Ontario Music Teachers' Association, the London Mechanics Institute, the Stock Breeders' Association of Ontario, the Fruit Growers' Association of Ontario, the Ontario Veterinary Association, the Ontario College of Pharmacy, the Poultry Association of Ontario, the Toronto Poultry Association, the London Poultry Association, the Dairymen's Association of Western Ontario, the Ontario Creameries Association, the Millers' Association, the Photographers' Association, the Entomological Society, the Western Beekeepers' Association, the Western Ontario Commercial Travellers' Association, the Trades and Labour Council of London, such representatives to be named and appointed by the said several corporations, associations, organizations and societies at their annual meeting for the election of officers, such number of representatives of such other corporations, associations, organizations or societies not named above as may from time to time, upon applications to be made by such corporations, associations, organizations or societies, be admitted to the said Western Fair Association, by vote thereof, at the annual meeting thereof, upon such terms and conditions, and under such regulations and restrictions as may be made and determined by the board of directors and sanctioned by the association at its annual meeting, and all such other persons as the board of directors may by by-law admit to membership, as hereinafter provided, shall constitute the said Western Fair Association, and the said several persons and representatives named, or hereafter to be admitted under the provisions of this Act, and the by-laws of the said last mentioned association, shall be the members of the said Western Fair Association.

Provisional  
directors.

5. James Cowan, Andrew William Porte, John William Little, Richard Whetter, Lawrence Cleverdon, Donald MacKenzie, George Douglass, John Walker, Thomas Green, William Y. Brunton, T. Herbert Marsh, John Green, Robert C. Struthers, John Wolfe, William John Reid, A. M. Smart, Thomas R. Parker, Robert Lewis, William McDonough, John Labatt, John R. Minhinick, A. J. B. McDonald, Richard Venning and John Kennedy, shall be provisional directors of the said Western Fair Association, to organize said association, and shall hold office until the election of directors, as hereinafter provided.

6.

6. Forthwith after the passing of this Act, the said provisional directors, or a majority of them, shall notify, in writing, the several corporations, organizations, persons, associations and societies, specially mentioned in section 4 of this Act, of the provisions of this Act, and shall at the same time request each of them to name and appoint representatives (where the same are provided for in this Act) to the said the Western Fair Association, pursuant to the provisions of this Act, which appointment shall be evidenced by the corporate seal of each of the said several societies, organizations, associations or corporations or by a certificate, signed by the presiding officer and secretary or clerk of such organization, society, corporation or association, as the case may be, and such notice shall likewise contain a statement of the time and place of holding the first meeting of the members of the association for the election of directors, and such other business as may require to be done at such meeting, a copy of which notice shall also be published once in each week for two weeks before the time appointed for such meeting in one of the newspapers published in the city of London.

Meeting for  
first election  
of directors.

7. At the first meeting of the members of the association, hereby incorporated for the election of directors, each member of the association, being a representative, shall produce to the said provisional directors a certificate, under the seal of the corporation, association, society or organization which he represents or under the hand of the presiding officer and secretary, of his due and proper appointment, and the said provisional directors, or a majority of them, shall, at the time of such election, cause a list of all duly qualified members of the association hereby incorporated to be made out and placed upon the table, and only the persons whose names shall appear upon such list shall be eligible as directors, or entitled to vote for directors, and upon such other matters, questions and things as may be presented for the consideration of the meeting.

Certificates of  
appointments  
of members.

8. In the event of no appointment of representatives under the provisions of this Act having been made, from any cause, by any of the societies, corporations, organizations, or associations specially named in section 4 hereof, before the time fixed by the provisional directors for the holding of the meeting for the election of the directors of the said association hereby incorporated, then and in every such case, the president, vice-president, chairman, or other presiding officer, and the secretary of the association, organization, corporation, or society so having failed to make such appointment, shall be the representatives of such association, organization, corporation, or society, and shall be *ex officio* members of the corporation hereby created, until the appointment contemplated by this Act shall have been made, and shall be entitled to vote at all meetings of members of the said association.

Representa-  
tion of  
societies which  
have not made  
any election.

Number of  
directors, etc.

9. The board of directors shall consist of not less than fifteen nor more than twenty-four members (a majority of whom shall be residents of the city of London), as shall be determined at the meeting to be held as provided for in section 7 of this Act. The mayor of the city of London and the five members of the municipal council thereof, appointed under the provisions of section 4 hereof, shall be members of the said board. The East Middlesex Agricultural Society shall be entitled to a representation on said board of six members, all of whom shall be residents of the county of Middlesex, but none of whom shall be residents of the city of London, and shall be chosen by said society in such a manner as said society may decide, and not more than six of the directors shall be elected from the representatives sent as members of the Western Fair Association from the Horticultural Society of the Electoral Division of the city of London under section 4 of this Act, and the remainder of the directors shall be chosen from among the members of the said association. The election of directors (except as to the directors appointed by the council of the city of London and the East Middlesex Agricultural Society as aforesaid) and every question voted on at said meeting shall, if demanded by two members, be decided by ballot by a majority of votes of the members of the association hereby incorporated, present in person and voting at the meeting; the directors so chosen shall immediately elect one of their own number to be president, and two others of them to be vice-presidents, which president, vice-presidents and directors shall continue in office for one year and until others shall be chosen to fill their places as may be provided for by the by-laws of said association, and if any vacancy shall at any time happen by death, resignation or otherwise in the office of president, vice-president or directors the remaining directors shall supply such vacancy by the appointment of some member of the association for the remainder of the year; and the election of the directors shall take place, annually, either on the anniversary of the day of the first election of directors or such other day as may be fixed by by-law as hereinafter provided and mentioned.

Powers of  
directors.

10. The directors shall have full power to make all by-laws, rules and regulations not inconsistent with the provisions of this Act, for the management of the association hereby incorporated, the securing of the cash fund hereinafter mentioned, and the collection thereof, as also hereinafter mentioned, the acquisition of exhibition grounds and buildings, by purchase, lease, agreement or otherwise, and the selling, leasing and mortgaging, or otherwise disposing of the same, as occasion may require, the acquisition and management of all property, whether real or personal, which may be required for the purposes of, or in connection with, the exhibition or other business and operations of the said association, and the sale or other disposal thereof, when no longer required for such purposes.



purposes, the entering into any and all arrangements, agreements and contracts with any person, or corporation, society, or association, as the same may become necessary to carry out the objects of the said association, the admission of other persons as members and of other corporations, societies, associations, or organizations than those named in this Act, to be represented in the said association hereby incorporated and the terms and conditions of such admission, the fees (if any) to be paid by members of the association, the holding of exhibitions, annual or periodical, fixing the time for the annual meeting and the calling of general, special and other meetings of the association, the appointment, removal and remuneration of all officers, agents, clerks, workmen and servants of the association, the admission fees to be received from persons visiting their exhibitions, the entrance fees to be charged exhibitors, the general management of all exhibitions, and in general to do all things and make all contracts and agreements that may be necessary to carry out the objects and exercise the powers incident to the association.

**11.** Before the directors of said association shall undertake the holding of any exhibition or commence the business and operations contemplated by this Act, they shall secure or have on hand a cash fund of not less than \$5,000.

When association may commence operations,

**12.** Notwithstanding anything contained in *The Agriculture and Arts Act*, it shall and may be lawful for all or any of the several societies, corporations, organizations, and associations named in section 4 of this Act, and for any of the corporations, associations, organizations or societies formed, or hereafter to be formed, under the provisions of the said Act, and they, and all and every of them are hereby authorized and empowered, through their several and respective councils or boards of directors, or committees of management, and officers, to enter into any arrangements and to make any agreements, and contracts with the board of directors of the said association hereby incorporated for the holding of exhibitions, and taking part in the exhibitions to be holden by the said association, and otherwise promoting the objects contemplated by this Act, and may aid the same with any funds and moneys belonging to any such association or society not otherwise specially appropriated by any statute of this Province.

Certain societies authorized to make agreements with and aid association.

**13.** The municipal council of any city, town, village, county or township, in this Province, may grant money or land in aid of the said association, or may lend or grant aid by way of bonus to the said association out of any moneys belonging to the municipality, and may effect such loan, or grant such aid, upon such terms and conditions as may be agreed upon between said association and the council of the municipality making such loan or granting such aid, and may recover the money so lent and may appropriate the moneys so recovered to

Aid from municipalities

Proviso.

to the purposes of such municipality; provided always that no municipal council shall in any one year grant any such money or bonus to any greater extent than \$5,000, nor shall any money or land be so granted or given under the provisions of *The Consolidated Municipal Act, 1883*, as to by-laws for raising, on the credit of the municipality, money not required for its ordinary expenditure and not payable within the same municipal year; such provisions being those which require and relate to the assent of electors and otherwise.

Agreements with municipalities.

**14.** The council of any municipality and the association hereby incorporated and the directors thereof, are hereby respectively authorized to make and enter into any agreements or covenants relating to the holding of any exhibition, and granting and accepting aid for the same, and for the furnishing and providing exhibition grounds and buildings suitable for the purposes of the said association and for the representation of such municipality in the said association, by the appointment of members of the council thereof as representatives to such association, and all the representatives so appointed in pursuance of any such agreement shall become members of the said association and entitled to vote upon all matters and questions submitted or voted upon at all meetings of the association, and every such council may pass by-laws for all and every of the purposes aforesaid and in furtherance of the objects contemplated by this Act as occasion may require, but subject to the special provisions contained in section 13 of this Act.

Guarantee by city of London of money contributed by Agricultural and Horticultural societies to Western Fair Association.

**15.** The corporation of the city of London may enter into any agreement with the East Middlesex Agricultural Society or the Horticultural Society of the city of London, guaranteeing the repayment of any moneys contributed by either of the said societies to the Western Fair Association.

Certain sections of 49 V. s. 11, incorporated.

**16.** Sections 5, 6, 15, 16, 17, 30, 31, 38, 41, 42, 72, 73 (1), 74, 75, 78, 81 (1), 82, 83 and 84 of *The Agriculture and Arts Act* are hereby incorporated with, and are to be taken and deemed as part of this Act and shall apply to the said association, and to the exhibitions to be held by them as fully as such sections apply to the Agricultural and Arts Association and to exhibitions held by such association, except in so far as they may be inconsistent with the enactments hereof, and the expression "this Act" when used herein, shall be understood to include the sections of the said last mentioned Act so incorporated with this Act as aforesaid.

Power to appropriate lands for purposes of association.

**17.** It shall be lawful for the corporation of the city of London at the request of the Western Fair Association to acquire by appropriation from time to time such lands in the city

city of London or vicinity as may be required for the purposes of said Western Fair Association and such power of expropriation shall be exercised subject to the provisions of sections 486, 487, 488 and 489 of *The Consolidated Municipal Act, 1883*, which sections are hereby declared applicable.

18. The said association shall not hold their annual exhibition during the week in which the Provincial Fair is held when the said last mentioned fair is held at or west of Toronto: provided that notice of the time and place of holding the Provincial Fair shall have been given to the said association before the first day of April, in the year in which it is proposed to hold such fair, at or west of Toronto.

Time of exhibition restricted.

19.—(1) Section 2 of the Act passed in the 48th year of Her Majesty's reign, chapter 62, intituled "*An Act to authorize the Corporation of the City of London to borrow certain moneys*," is hereby amended by adding after the word "aforesaid" in the fourth line thereof the words "or for building upon and improving the said lands known as Salter's Grove, for the purposes of a public park and exhibition grounds."

48 V. c. 62, s. 2, amended.

(2) The amount to be borrowed under the authority of the said in part recited Act, shall not exceed the sum of \$60,000 in addition to the sum of \$40,000, for which debentures have already been issued.

20. The corporation of the city of London may give to the said association a license to use the said Salter's Grove, and any addition which shall be made thereto, together with the buildings and improvements thereon, for the purposes of holding their exhibitions there for such period not exceeding twenty years, and on such terms and conditions as to the council thereof may seem meet, but no such license shall be granted unless or until the said association shall have procured a release from all corporations having the right to use the lands mentioned in the said in part recited Act as being then used for exhibition purposes, for holding exhibitions or fairs thereon, of their rights in respect of the said last mentioned lands.

License to use Salter's Grove.



## CHAPTER 90.

An Act respecting the Fort George Assembly to be henceforth known as "The Niagara Assembly."

[Assented to 23rd April, 1887.]

Preamble.

**W**HEREAS the Fort George Assembly incorporated under *The Ontario Joint Stock Companies' Letters Patent Act*, with a capital of \$50,000 for the establishment and maintenance of a summer resort under religious, temperance and educational auspices, near the town of Niagara, with power to hold real estate, to erect buildings on its grounds, to lease or sell the same, to erect wharves or piers and to supply water and light, has by its petition represented that it has selected for its operations a site adjoining the town of Niagara, but not near Fort George, and that it desires in consequence to have its name changed, and in order better to carry out the objects of its incorporation to have its capital increased; to have the right to issue publications; to construct and operate a tramway to its grounds; to acquire and operate steamers; to supply the town of Niagara with water and light; and to have the by-law No. 299 of said town granting it aid to the extent of \$5,000 ratified; and whereas more than four-fifths of the qualified ratepayers of said town have petitioned for an Act ratifying the said by-law and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Name changed.

**1.** The corporate name of the Fort George Assembly is hereby changed to the Niagara Assembly.

Capital increased.

**2.** The capital stock of the said company is hereby increased to \$150,000 in one thousand five hundred shares of \$100 each.

Additional powers.

**3.** In addition to the powers conferred by the Letters Patent the said company shall have the right to issue publications; to contract for, acquire and operate steamers to run between the grounds of the company, or the town of Niagara, and other places in the Province, for the conveyance of passengers going to or returning from the grounds of the company; and may enter into a contract or contracts with the corporation of the town of Niagara to lay down, construct and operate a tramway upon the streets of said town, provided a charter be first obtained in accordance with the provisions of *The Street Railway Act, 1883*, and may also enter into a contract or contracts with the corporation of said town for the supply of water and light to said town and the inhabitants thereof. Such contract or contracts may confer exclusive rights upon said company for said objects or any of them but not for a period exceeding twenty years.

4. By-law No. 299 of the corporation of the town of Niagara, set out in the schedule to this Act, is hereby ratified and declared valid and binding to all intents and for all purposes as fully as if the said by-law had been within the competency of the council of said town.

By-law 299 of  
Niagara con-  
firmed.

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### SCHEDULE.

#### BY-LAW NO. 299, OF THE CORPORATION OF THE TOWN OF NIAGARA.

By-law to grant five thousand dollars in aid of the Fort George Assembly, and to raise the same by way of loan.

Whereas the company called the Fort George Assembly propose to acquire the property known as the Crooks Farm containing about ninety acres, in and adjacent to the town of Niagara, in the County of Lincoln, for the purpose of establishing and maintaining a summer resort for literary, social and scientific purposes, as a Canadian Chautauqua, provided they receive aid from said town, to the extent hereinafter set forth;

And whereas it would be for the interest of said town to aid the said enterprise, to the extent of five thousand dollars on the terms and conditions hereinafter mentioned;

And whereas it is necessary to issue debentures for said sum and to provide for the payment of the same in principal and interest;

And whereas the whole ratable property of the municipality of the town of Niagara, according to the last revised assessment roll, amounts to the sum of three hundred and twenty-six thousand seven hundred and seventy-five dollars;

And whereas the existing debenture debt of the said municipality amounts to three thousand five hundred dollars of which no portion of either principal or interest is in arrear;

And whereas the council of said municipality has been advised that *The Municipal Act* does not make provision for granting aid for such a purpose, but it is in the interest of the said town that the same should be granted, and the assent of the Provincial Legislature obtained therefor, provided the same be approved by a majority of the qualified electors of said town, by petition or otherwise;

Be it therefore enacted by the corporation of the town of Niagara:

1. It shall be lawful for the corporation of the town of Niagara to grant to the said Fort George Assembly the sum of five thousand dollars on the terms and conditions hereinafter set forth, subject to ratification by the Legislature of the Province of Ontario, provided the same be approved by a majority of the qualified electors of said town by petition or otherwise.

2. The mayor of the said town may cause debentures of the said corporation to be made and issued, to the amount of five thousand dollars, in sums of five hundred dollars each, signed by the mayor, countersigned by the treasurer and sealed with the corporate seal of the said town.

3. The said debentures shall be payable in sixteen years at the office of the Canadian Bank of Commerce in St. Catharines, and shall have interest coupons attached thereto payable at the same place, as is hereinafter set forth, and the said debentures shall bear date on the day the same are issued.

4. The said debentures shall bear interest at the rate of five per cent. per annum payable yearly on the 31st day of December in each year during the currency thereof.

5. For the purpose of paying the said debentures and coupons there shall be levied and collected a special rate in the dollar, upon all ratable property of the said municipality, in addition to all other rates yearly, until the said debentures and interest thereon shall be fully paid and satisfied.

6. That the sums to be raised in each year, during the currency of said debentures shall be for principal and interest as follows :

1887.....	Interest	\$250 00
1888.....	"	250 00
1889.....	"	250 00
1890.....	"	250 00
1891.....	"	250 00
1892.....	"	250 00
1893....	Principal \$500.....	" 250 00
1894....	" 500.....	" 225 00
1895....	" 500.....	" 200 00
1896....	" 500.....	" 175 00
1897....	" 500.....	" 150 00
1898....	" 500.....	" 125 00
1899....	" 500.....	" 100 00
1900....	" 500.....	" 75 00
1901....	" 500.....	" 50 00
1902....	" 500.....	" 25 00

7. The said debentures shall be delivered to the said Fort George Assembly as follows:—One thousand dollars when the sum of five thousand dollars shall have been expended on said grounds so to be acquired by them, in buildings and improvements in connection with the objects of said company, and shall have given evidence thereof to the said corporation, and the further sum of one thousand dollars for each subsequent sum of five thousand dollars so expended, until the said sum of twenty-five thousand dollars shall have been so expended, when the full amount of five thousand dollars shall be paid as aforesaid. The said debentures so delivered shall bear interest only



only from the date when they should respectively be delivered as aforesaid, and not from the date of the same.

8. The corporation of said town of Niagara shall be represented on the Board of Directors of said company by one of the members of its council who shall be elected thereto by said council from year to year.

9. This by-law shall take effect and come in operation on the 31st day of December, A.D. 1886, if ratified as aforesaid.

Passed and adopted in open council on the tenth day of December, A.D. 1886, and given under the corporate seal of the said municipality.

DAN. SERVOS,  
*Town Clerk.*

(L. S.)

W. A. MILLOY,  
*Mayor.*

## CHAPTER 91.

An Act to amend the Act incorporating the Girls' Home and Public Nursery of Toronto.

[Assented to 23rd April, 1887.]

WHEREAS "The Girls' Home and Public Nursery" of the city of Toronto, was incorporated by an Act of the late Province of Canada, passed in the twenty-sixth year of Her Majesty's reign, chaptered 63, and has by petition prayed that an Act may be passed changing the name of the said corporation, authorizing the election of four directresses, extending the authority of the directresses and managers to bind or apprentice children and further amending the said Act of incorporation, and it is expedient to grant the prayer of the said petition; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The name of the said corporation is hereby changed to "The Girls' Home," of Toronto and the said Act of incorporation shall be amended accordingly. Name changed.

2. The said corporation under its new name shall not be deemed to be a new corporation, but it shall continue to exercise all the rights, powers and privileges, which, prior to the passing of this Act, have been held, exercised and enjoyed by the Corporation continued.

the said corporation, subject only after the passing of this Act to the amendments in this Act contained.

26 V. c. 63,  
s. 3, amended.

3. Section 3 of the said Act is hereby amended by inserting after the word "ensuing" in the seventh line of the said section the words "or the said meeting shall be held on such other day as may be named by the directresses and managers," and by striking out the words "and third directress" in the twenty-seventh line of the said section, and by inserting in lieu thereof the words "third and fourth directresses," and by striking out the words "at a special meeting of the subscribers called for the purpose by a notice given in a similar manner to that required to be given for the annual meeting," in the thirty-second and two following lines of the said section, and by inserting in lieu thereof the words "by the remaining directresses and managers, either at any regular meeting, or at a special meeting called for that purpose."

26 V. c. 63, s.  
4, amended.

4. Section 4 of the said Act is hereby amended by striking out the words "to any healthy trade or business until the age of sixteen," in the second and third lines of the said section, and by inserting in lieu thereof the words "to any mechanic, farmer, or other person carrying on a trade or calling, until the age of eighteen."

## CHAPTER 92.

### An Act to amend the Act incorporating the Home of the Friendless, of Hamilton.

*[Assented to 23rd April, 1887.]*

Preamble.

WHEREAS the Home of the Friendless have, by their petition, prayed that their name should be changed to "The Home of the Friendless and Infants' Home," and that in addition to the present objects and purposes of the institution, they may be authorized and empowered to receive and take into the Home young infant children who are homeless, and have been abandoned by their parents or guardians and other young infant children as hereinafter provided, and to provide for nursing such children with further powers for the due care, maintenance and protection of such children and to establish and maintain a lying-in ward and an infirmary; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The name of the said corporation of "The Home of the Friendless," at Hamilton, is hereby changed to "The Home of the Friendless and Infants' Home." Name changed.

2. It shall be lawful for the said corporation to receive and take into the said Home, young infant children who are homeless and have been abandoned by their parents or guardians, or whose parents consent thereto, or being illegitimate whose mothers consent thereto, and such other young infant children as may be delivered to the said Home in the exercise of any lawful authority in that behalf, and to keep such children and provide for their nursing, care, maintenance and protection; and the said corporation shall have and may exercise over and in respect to such children the same powers as their parents would have and might exercise. Powers as to receiving and apprenticing children.

3. Any person desirous of adopting as a member of his family any child having the protection of the said institution, may, by articles of agreement executed by the said corporation and such person, adopt such child subject to such terms and conditions as may be thereby agreed upon; and on the execution of such articles, such person may exercise over and with respect to such child so adopted, such powers as a child's parents or guardians would have or might exercise; and such articles of agreement shall be held to be within the powers and authority of the said corporation, and may be enforced as well by action at law for breach thereof warranting such action, as by summary application to the police magistrate (who is hereby authorized and empowered to act thereon) on any such occasion as would, according to the laws of this Province, warrant the interference or adjudication of any one or more justices of the peace in the case of disputes and difficulties between masters and apprentices; provided always that a copy of the said articles of agreement shall within one month from the time the same are executed be lodged with the city clerk of the city of Hamilton, who is hereby required to file such copy, and who shall endorse thereon a certificate of the date of filing same. Adoption of children.

4. The said corporation are hereby authorized to establish and maintain a lying-in department and an infirmary. Establishment of infirmary, etc.



## CHAPTER 93.

## An Act respecting Knox Church Cemetery, and Knox Church lot, in the Village of Ayr.

*[Assented to 23rd April, 1887.]*

Preamble.

WHEREAS Thomas Edgar, of the township of North Dumfries, in the county of Waterloo, John P. Ford, of the village of Ayr, in said county of Waterloo, and Alexander Lillico, of the township of Blenheim, in the county of Oxford, have by their petition set forth that they are trustees of Knox Church, in said village of Ayr; that the trustees of the Presbyterian Church of Canada, and their successors in office, to be annually elected by the members of said Knox Church at their annual meeting in the month of June, are owners in fee simple of one acre, more or less, part of lot number thirty-five, in the seventh concession of said township of North Dumfries, which one acre is described in deeds dated the twenty-sixth day of June, 1854, and the twenty-seventh day of December, 1845, memorials whereof are respectively registered, in the registry office for the county of Waterloo on the fourth day of July, 1854, at twelve o'clock, noon, in liber number one for North Dumfries, folios three hundred and sixty-eight and three hundred and sixty-nine as number one hundred and seventy, and in said registry office on the fourth day of March, 1846, at nine o'clock a.m., in liber P, folio six hundred and seventy, as number five hundred and fifty-one, the said lands to be used for church purposes and for a burying ground; that it was the intention of the grantors to said trustees of the Presbyterian Church of Canada of said one acre, that the lands in said deeds described should be effectually vested in the trustees of Knox Church, Ayr, and their successors in office, to be appointed in manner aforesaid, and that in describing such trustees as the trustees of the Presbyterian Church of Canada that intention has not, beyond all question, been effected; that the municipal council of said village of Ayr has prohibited the further interment of the dead therein from and after the first day of January, 1885; that there is in or near the village of Ayr a general cemetery, whither some of the bodies interred in Knox Church burying-ground have been removed; that they are desirous of obtaining an Act of the Legislature declaring the said lands vested, and vesting the same in them, the trustees of said Knox Church, Ayr, and their successors in office, and that they are further desirous of obtaining authority to remove to the said general cemetery, or other suitable place, the contents of any grave or graves remaining in said Knox Church burying-ground, and to sell or lease the whole or any part of said lands, or to build thereon; and that the Presbytery of Paris consents thereto: and whereas it is expedient to grant the prayer of the said petition;

Therefore

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said above described lands are hereby vested in the said trustees of Knox Church, in the village of Ayr, and their successors in office for ever. Lands vested in trustees.

2. The said trustees, and their successors in office, shall have full power and authority, forthwith, after giving notice, as hereinafter required, to remove of their own accord, and at their own expense, in a decent and orderly manner, and without any further notice to the friends or relatives of the dead, all the remains of the dead now interred in the lands and property hereinbefore described, from the said place of interment to the said general cemetery, or to some other suitable cemetery or burying ground that may be approved of by the relatives of the deceased, and the remains of the dead so removed, in pursuance of the powers in this section granted, shall be re-interred at the expense of the said trustees, in suitable burial plots or places. Removal of remains authorized.

3. The said trustees, before removing the remains of the dead, as in the last preceding section authorized, shall, during the period of one month, publish a notice once a week in the *Ontario Gazette*, and in one newspaper published in the village of Ayr, in the county of Waterloo, which said notice shall set forth the powers in the said last preceding section granted, and that parties owning burial lots in the said Knox Church burying-ground, may remove the remains in their burial lots to said general cemetery, where said trustees shall provide suitable burial lots therefor, and pay all reasonable expenses incurred or sustained in or by reason of such removal to and re-interment in said general cemetery, or other suitable burial place. In the event of parties owning lots in the said Knox Church burying-ground not removing the remains therein interred to the general cemetery or other suitable place, it shall be the duty of the said trustees to remove the same in a decent and orderly manner, and to re-inter them in suitable burying plots in the said general cemetery, and also to remove from the said Knox Church burying-ground, and to replace in the general cemetery, to which they have in pursuance of the powers in section 1 hereof granted removed remains, all gravestones and monuments now erected in the former. Notice of removal.

4. So soon as all the bodies which are now interred in the said Knox Church cemetery are removed, as provided for above, the said trustees and their successors in office may remove, or sell, any building, or buildings, now on the said premises, and further shall be, and they are hereby authorized to lease for any term of years, or to sell and convey in fee simple, Powertobuild lease or sell.

or for any less estate, the whole or any part of the lands and premises hereinbefore described, either by public auction or private contract, in one lot or in parcels, in such manner, for such prices, for cash, or upon credit, and upon such terms and conditions as may be deemed best by the said trustees, and they are authorized to so lease, or sell, and convey as aforesaid, the said lands, freed and discharged of and from all right, title, interest, claim, and demand of any person, or persons, who may have acquired lots for burial purposes in said Knox Church cemetery, or of their representatives, and no sale of said lands, or any part thereof, as aforesaid, or anything done under the authority of this Act, shall cause the said lands, or any part thereof, to revert to Her Majesty, or to any person or persons whomsoever.

Power to take mortgages.

5. Should the said trustees sell the said lands, or any part thereof, and grant time for the payment of the purchase money, or any part thereof, they are hereby authorized and empowered to take and accept as security, for the payment thereof, mortgages from the respective purchasers on the land sold to them, respectively, containing the ordinary and usual covenants and powers of sale, and to enforce all such covenants, and exercise such powers in the ordinary and usual manner.

Application of proceeds of sale.

6. The moneys received by the said trustees on account of said lands, shall be applied in payment of the expenses incurred by them under the provisions of this Act, to the payment of any other liabilities they may have as such trustees, and any residue may be applied towards the payment of any liabilities incurred in respect to the said general cemetery, or other cemetery or burying ground as aforesaid, towards the payment of any debts or future liabilities of said Knox Church, as said trustees or their successors in office may deem best.

Care to be taken that all remains removed before sale.

7. It shall be the duty of the said trustees, and the survivor or survivors of them, and their successors in office, to use due care and diligence that all the remains of the dead have been removed from the said Knox Church cemetery before they build on, lease, mortgage, or sell as aforesaid, but the title of any lessee, mortgagee, or purchaser shall not be affected or prejudiced by reason only of the non-removal of any remains of the dead from the portion, or portions, so leased, mortgaged or sold, if it shall be made to appear to one of the Judges of the County Court of the county of Waterloo, for the time being, and if he shall so certify, under his hand, that all the remains of the dead, so far as the same could be discovered, have been removed from the said portion or portions so leased, mortgaged or sold, and such certificate shall be registered in the registry office for the said county, on the production thereof to the registrar, and the payment to him of one dollar as a fee for such registration.



## CHAPTER 94.

An Act to authorize the Roman Catholic Episcopal Corporation of the Diocese of London to sell certain lands. .

[Assented to 23rd April, 1887.]

WHEREAS by an Act passed in the eighth year of the Preamble.  
 Reign of Her Majesty Queen Victoria, chaptered 82, intituled *An Act to incorporate the Roman Catholic Bishops of Toronto and Kingston, in Canada, in each Diocese*, it was enacted amongst other things that each of the Bishops of Toronto and Kingston, in Canada (thereby declared to be bodies corporate respectively), and his successors should, by his separate name, from time to time, and at all times thereafter, be able and capable to have, hold, purchase, acquire, possess and enjoy for the general use or uses eleemosynary, ecclesiastical or educational, of the said Church, or of the religious community, or of any portion of the said community within his diocese, any lands, tenements or hereditaments, within the Province of Canada, and the same real estate, or any part thereof, from time to time (by and with the advice and consent in said Act mentioned), to sell or exchange, alienate, let, demise, lease or otherwise dispose of, but in case of sale, to purchase other real estate in lieu of that sold, with the proceeds or purchase money arising from such sale, and to hold and enjoy such newly purchased or exchanged estate for the purposes therein mentioned; and whereas by the said Act it was further enacted that whenever it might be deemed necessary to erect any new diocese in that part of the Province formerly called Upper Canada, the bishop or bishops of such new diocese, or dioceses, and his or their successor, or successors, for the time being, should have the same powers as are by the said Act conferred upon the said bishops of Kingston and Toronto respectively; and whereas in pursuance of the authority conferred by the said Act, and by an Act amending the same, passed in the thirty-sixth year of Her Majesty's Reign, intituled *An Act to amend the Act of the Parliament of the late Province of Canada, passed in the eighth year of the Reign of Her Majesty Queen Victoria, chaptered eighty-two, and to incorporate the Roman Catholic Episcopal Corporation of the Diocese of London, in Ontario*, the Right Reverend John Walsh, Doctor of Divinity, and his successors, being Bishops of the Diocese of London, in communion with the Church of Rome, were declared to be a body corporate by the name of "The Roman Catholic Episcopal Corporation of the Diocese of London in Ontario," enjoying all the powers and privileges, and also subject to the provisions contained in the said Act passed in the eighth year of Her Majesty's reign,  
 and

and chaptered 82; and whereas the said the Roman Catholic Corporation of the Diocese of London in Ontario, being possessed of and entitled to certain lands and premises situate, lying and being in the town of Chatham, in the county of Kent, in this Province, is desirous of selling the same absolutely, and applying the proceeds to be derived from such sale without restriction, in such manner and for such purposes as to the said corporation may seem fit, and has petitioned that the said Act passed in the eighth year of Her Majesty's reign, and chaptered 82, and the Act amending the same, passed in the thirty-sixth year of Her Majesty's reign, chaptered 142, may be further amended, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Power to sell certain real estate without restriction.

1. In addition to the powers conferred by the Act passed in the eighth year of Her Majesty's reign, chaptered 82, intituled *An Act to incorporate the Roman Catholic Bishops of Toronto and Kingston, in Canada, in each Diocese*, and the amendment thereto passed in the thirty-sixth year of Her Majesty's Reign, chaptered 142, the Roman Catholic Episcopal Corporation of the Diocese of London, in Ontario, shall have power, and is hereby authorized and empowered to absolutely sell and dispose of, either by public auction, or by private sale, and either for cash or on terms of credit, or partly for cash and partly on credit, as to the said corporation may seem fit, the whole or any portion of the lands and premises now owned by the said corporation, and situate in the town of Chatham, in the county of Kent, in this Province, and to apply the proceeds to be derived from such sale, or sales, without restriction, in any manner, and for any purpose or purposes, as to the said corporation may seem meet, subject to a compliance with the requirements of sections 3 and 5 of the said Act passed in the eighth year of Her Majesty's reign, chaptered 82, respecting the registration of deeds and wills, and the execution of deeds, conveyances, leases and assignments, thereby authorized to be made,

Formalities required by ss. 3 & 5 of 8 V. c. 82, to be complied with.

Lands may be sold *en bloc* or in parcels.

2. The said lands may be sold *en bloc* or in parcels, from time to time, according to such plan and survey as the said corporation may cause to be made of the same.

Corporation empowered to take mortgages and other securities for purchase money.

3. In the event of a sale of the said lands, or any portion thereof, the said the Roman Catholic Episcopal Corporation of the Diocese of London, in Ontario, shall have power, and is hereby authorized and empowered to require and take from the purchaser, or purchasers thereof, such securities for the payment of the purchase money, or any part thereof, either by way of mortgage on the lands sold, or any portion thereof, or upon

upon any other lands, as the said corporation may deem fit, or by way of bond, obligation or other security in the nature thereof, without restriction, and in as full and ample a manner, and to as full extent as regards the rate of interest to be charged, the terms of repayment of principal and interest, and other provisos, stipulations and conditions, to be contained in such mortgages and other securities, and the enforcement thereof, and recovery by legal process, or otherwise, of the moneys thereby secured, as private individuals are, by law, authorized and empowered to take and enforce such mortgages and other securities; and such mortgages, bonds, obligations, or other securities, when paid, to effectually discharge and release, subject to a compliance with the requirements of sections 3 and 5 of the said Act passed in the eighth year of Her Majesty's reign, chaptered 82, respecting the registration of deeds and wills, and the execution of deeds, conveyances, leases and assignments, thereby authorized to be made.

4. It shall be lawful, and the said the Roman Catholic Episcopal Corporation of the Diocese of London, in Ontario, is hereby authorized and empowered to negotiate, sell, assign, or transfer any or all of such mortgages, bonds, obligations, or other securities, at any time during the currency thereof, to any person or persons, company, corporation, society, or association, or one or more of them, for such an amount, and upon such terms as may be agreed upon between the said corporation and person or persons, company, corporation, society, or association, or one or more of them to whom the said mortgages, or other securities, or any of them may be assigned, subject to a compliance with the requirements of sections 3 and 5 of the said Act passed in the eighth year of Her Majesty's reign, chaptered 82, respecting the registration of deeds and wills, and the execution of deeds, conveyances, leases and assignments thereby authorized to be made.

Corporation empowered to sell and assign mortgages and other securities.

Provisions of ss. 3 & 5 of 8 V. c. 82, to be complied with.

5. It shall be lawful, and the said the Roman Catholic Episcopal Corporation of the Diocese of London, in Ontario, is hereby authorized and empowered to apply the moneys to be derived from the sale or assignment as aforesaid, of the said mortgages, bonds, obligations, or other securities, without restriction, in such manner and for such purposes as to such corporation may seem fit, in the same manner and to the same extent as the said corporation is by this Act empowered to apply and use the purchase money which may be paid directly on the sale of any of the said lands.

Power to apply proceeds of mortgages or other securities when sold in such manner as corporation may deem fit.



## CHAPTER 95.

## An Act to unite Toronto Baptist College and Woodstock College under the name of McMaster University.

*[Assented to 23rd April, 1887.]*

Preamble.

**W**HEREAS it has been represented by petition of the Toronto Baptist College and Woodstock College, two institutions of learning, carried on in connection with the denomination of Christians called Regular Baptists, that the Toronto Baptist College was incorporated by an Act passed in the forty-fourth year of the reign of Her Majesty Queen Victoria, for the training of students preparing for the ministry of the Regular Baptist denomination, with power to confer degrees in Divinity, and has, since its incorporation, been in operation in the city of Toronto; that Woodstock College was incorporated under the name of the Canadian Literary Institute in the twentieth year of the same reign; that by an Act passed in the forty-sixth year of the same reign, the name thereof was changed to Woodstock College, and that the work of education has been carried on in such institution at the town of Woodstock for the last twenty-eight years; that it would conduce to the success of the educational work of the said denomination to have the property and control of the said colleges vested in a board of governors, subject to the powers and rights of a senate as hereinafter provided, and to have the usual powers and privileges of a university conferred upon such board and senate, and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

McMaster  
University  
constituted.

1. From and after the date hereinafter fixed for the coming into effect of this Act, the Toronto Baptist College and Woodstock College shall be united and form one corporation under the name of McMaster University, and shall be under the management and administration of a Board of Governors, which, until the appointment of a chancellor as hereinafter provided, shall consist of sixteen members, who shall be elected as follows: twelve members by the Regular Baptist Missionary Society of Ontario, and four members by the Regular Baptist Missionary Convention, East, which said sixteen members shall hold office for four years, except that of those first elected by the Regular Baptist Missionary Society of Ontario, three shall retire at the expiration of one year, three at the expiration of two years, and three at the expiration of three years, from the date of their appointment; and of those

those elected by the Regular Baptist Missionary Convention East, one shall retire at the expiration of one year, one at the expiration of two years, and one at the expiration of three years. And upon the appointment of a chancellor, as hereinafter provided, such chancellor shall be ex-officio a member of the said board, which will then consist of seventeen members.

2. Such appointments may be made by such society and convention before the coming into effect of this Act, and the persons so appointed, and their successors in office, are hereby constituted a body corporate and politic under the name of the McMaster University, with perpetual succession and a common seal, with power to break, alter, and change the same at pleasure, and by that name may sue and be sued, and be able and capable in law to take, purchase, and hold any personal property whatsoever; and shall also be able and capable, notwithstanding the Statutes of Mortmain, to take, purchase, and hold to them and their successors, not only all such lands, buildings, hereditaments, and possessions as may from time to time be used or occupied for the purposes of the said university, including any preparatory or academical department, and for residences of the chancellor, principals, professors, tutors, students, and officers, with gardens and lawns attached thereto, but also any other lands, buildings, hereditaments, and premises not exceeding the annual value of \$10,000, such annual value to be calculated and ascertained with reference to the period of taking, purchasing, or acquiring the same; and to accept on behalf of the said university, or any department thereof, including any preparatory or academical department, any gifts, devises, or bequests of any property, real or personal, and they and their successors shall be able and capable in law to grant, demise, alien, lease, or otherwise dispose of all or any of the property, real or personal, at any time belonging to the said university, or to any department thereof, including any preparatory or academical department, and to invest the proceeds thereof upon such securities, or in such way as to the said board of governors shall seem best, and also to do all other matters and things incidental or appertaining to such body corporate; provided always that the real estate not required for use and occupation or for the residences of the chancellor, principals, professors, tutors and students as aforesaid shall not at any time be held by the said university for a longer period than seven years, and that any such real estate not sold and alienated within seven years of the time when the same is received by the said corporation shall revert to the party from whom it came to the corporation or to his or her heirs or devisees.

Board of governors to be a body corporate.

Proviso.

3. The said university shall be entitled to receive and hold gifts, devises, and bequests already made, or hereafter coming into effect, by any person or persons, to or for the benefit of Toronto Baptist College and Woodstock College, or either of them,

Power to accept gifts and bequests.

them, as fully and effectually as if the said university was named in such gifts, devises, or bequests, instead of Toronto Baptist College and Woodstock College, or either of them, subject, however, to all the trusts in such gifts, devises, and bequests provided. And all persons shall have the power, notwithstanding the Statutes of Mortmain, at any time to grant, devise, bequeath, or convey by deed, will, or otherwise, any real or personal property to the said university, either for its purposes generally, or for any department thereof, or otherwise, as may be provided by such grant, devise, bequest, or conveyance, and no gift to the said university shall be void by reason of the grantor having reserved any interest therein, or the income thereof, for the term of his life, or any part thereof; provided that no gift or devise of any real estate or of any interest therein in favour of the said corporation, shall be valid unless made by deed or will executed by the donor or testator, at least six months before his death. And it is hereby declared that section 2 of the Act, passed in the forty-fourth year of Her Majesty's reign, chapter 87, being the Act incorporating the said Toronto Baptist College, shall be construed to have conferred the power and right upon all persons, notwithstanding the Statutes of Mortmain, to grant, devise, bequeath, or convey to or for the benefit of the said Toronto Baptist College, any real or personal property in the terms in said section provided, as well as the power to said college to receive such grants, devises, bequests and conveyances.

Religious  
tests.

4. McMaster University shall be a Christian school of learning, and the study of the Bible, or sacred scriptures, shall form a part of the course of study taught by the professors, tutors, or masters appointed by the board of governors. And no person shall be eligible to the position of chancellor, principal, professor, tutor, or master, who is not a member in good standing of an Evangelical Christian Church; and no person shall be eligible for the position of principal, professor, tutor, or master in the faculty of theology who is not a member in good standing of a Regular Baptist church, and the said board of governors shall have the right to require such further or other test as to religious belief, as a qualification for any such position in the faculty of theology, as to the said board of governors may seem proper; but no compulsory religious qualification, or examination of a denominational character shall be required from, or imposed upon any student whatever, other than in the faculty of theology.

Powers of  
board of gover-  
nors.

5. The board of governors shall have full power and authority to fix the number, residence, duties, salary, provision, and emolument of the chancellor, principals, professors, tutors, masters, officers, agents, and servants of the said university, including any preparatory or academical department, and may from time to time remove the chancellor, principals, professors, tutors, masters, and all other officers, agents, and servants of the university,



university, and of all departments thereof, including any preparatory or academical department, and may also appoint the chancellor, principals, professors, tutors, masters, and all other officers, agents, and servants, provided that such power of appointment as to the chancellor, principals, professors, tutors, and masters shall be exercised only upon the recommendation of the senate, as hereinafter provided. And the said board shall have the control and management of the property and funds of the said university, and shall have power to adopt by-laws and regulations touching and concerning all or any of the matters aforesaid, as well as concerning the time and place of meetings of the said board and notices thereof, the officers of the said board, and their election and duties, and all other matters and things which to them may seem good, fit and useful for the well ordering and advancement of the said university, including any preparatory or academical department, not repugnant to the provisions of this Act, or any public law in force in this Province, and the same to alter or vary from time to time in accordance with any provision for that purpose contained in such by-laws and regulations, and after the common seal of the university has been affixed thereto such by-laws and regulations shall be binding upon all parties, members thereof, and upon all others whom the same may concern.

6. It shall be the duty of the said board of governors to keep proper records and minutes of all and every their proceedings, and to keep proper books of account of the financial affairs of the said university, including any preparatory or academical department, and to present a report of the work of the said university, accompanied by a duly audited financial statement, to each annual meeting of the said the Regular Baptist Missionary Society of Ontario, and the Regular Baptist Missionary Convention, East, respectively. Should the said society and convention unite, such report and financial statement shall be presented to such united society, and such united society shall thereafter have the right to elect the aforesaid sixteen members of the said board of governors.

7. The board of governors shall elect one of their number to preside at their meetings, and to affix the university seal, and to sign all its papers and instruments in writing, for or on behalf of such body corporate, as may be necessary.

8. All real and personal property, rights, franchises, and privileges of Toronto Baptist College, and Woodstock College shall, from the coming into effect of this Act, be held and vested in the corporation hereby constituted, subject to all trusts attaching thereto respectively, and the said board of governors shall thereupon continue to exercise all the rights, powers, franchises and privileges, not inconsistent with the provisions of this Act, that prior to that time shall have been exercised

exercised or enjoyed by the said Toronto Baptist College and Woodstock College, or either of them, in as full and ample a manner as the same shall theretofore have been exercised by the said Toronto Baptist College and Woodstock College, or either of them, subject, however, to the powers and rights of the senate of the said university, as hereinafter provided; but all legal or other proceedings, prior to the coming into effect of this Act, taken by or against the Toronto Baptist College, or Woodstock College, may be continued under the same name or style of cause in which they have been instituted.

Trusts of  
Toronto Baptist  
College  
not affected.

**9.** Nothing in this Act contained shall be deemed to authorize the use of the lands and premises conveyed to the trustees of the Toronto Baptist College by the Honourable William McMaster, by deed bearing date the first day of December, 1880, for any other purposes than those set out in said deed, nor to otherwise alter or affect the trusts in said deed contained, otherwise than by vesting the rights and powers of the said trustees in the university hereby created.

48 V. c. 96, ss.  
2-10 and 12,  
repealed from  
commence-  
ment of this  
Act.

**10.** Sections 2 to 10, inclusive, and section 12 of the Act passed in the forty-eighth year of Her Majesty's reign, chapter 96, being an Act to amend the said Act incorporating the Toronto Baptist College, shall from the coming into effect of this Act be deemed to be repealed, saving all acts, matters and things lawfully done thereunder up to the time of such repeal.

Senate.

**11.** The senate of the said university shall be constituted as follows: (a) The members of the board of governors; (b) the principal for the time being of the faculty of Toronto Baptist College, and two of the professors thereof, to be elected by the said faculty annually; (c) the principal for the time being of the faculty of arts, and two of the professors thereof, to be elected by the said faculty annually; (d) five representatives of the graduates in theology, to be elected by the Alumni Association of such graduates in theology for a term of five years, except that of those first appointed, one shall retire at the expiration of one year, one at the expiration of two years, one at the expiration of three years, and one at the expiration of four years; (e) five representatives of the graduates in arts, to be elected by the Alumni Association of such graduates in arts for a term of five years, subject to the like exception as to those first appointed; (f) two representatives of the teachers of the preparatory or academical department of Woodstock College, to be elected by such teachers annually. In addition to the senate, as above constituted, for the general purposes of the university, the following shall be members of the senate, so far as the work of the senate concerns Toronto Baptist College, with the same powers and rights as other members of the senate as to all matters pertaining to the said Toronto Baptist College; (g) eight members to be elected  
by

by the Baptist Convention of the maritime Provinces, to serve for such term or terms as the said convention may decide; (*h*) the president of Acadia College, and two of the professors of said college, to be elected by the faculty thereof annually; (*i*) two members to be elected by the Baptist Convention of Manitoba and the North-West Territories, to serve for such term or terms as the said convention may decide.

**12.** The senate shall have the control of the system and course of education pursued in the said university, and of all matters pertaining to the management and discipline thereof, and of the examinations of all departments thereof; and shall have the power to confer degrees in theology now vested in the Toronto Baptist College, together with the power to confer the degrees of Bachelor, Master, and Doctor, in the several arts, sciences, and faculties, and any and all other degrees which may properly be conferred by a university; and shall have the right to determine the courses of study and the qualification for degrees, and the granting of the same; provided the course of study prescribed for matriculation into the said university shall in no essential sense differ or vary from that prescribed for matriculation into the University of Toronto, and in respect to any degree which the said senate has power to confer, the course of instruction and the scope of the examination for such degree shall be as thorough and comprehensive as the courses and examinations for corresponding degrees in the University of Toronto; and the senate shall make recommendations from time to time to the board of governors for the appointment of chancellor, principals, professors, tutors, teachers, and masters, and no such appointment shall be made by the board of governors except upon the recommendation of the senate. And the senate shall have the power to settle, subject to ratification by the board, the terms upon which other colleges and schools may become affiliated with the said university, but no such affiliation shall take effect unless and until the same shall have been approved by the Lieutenant-Governor in Council; provided, however, that the said university shall not have the power or right to establish, maintain, or be connected with any school or college in theology other than Toronto Baptist College, nor the right to affiliate under any conditions with any other school or college in theology; and may from time to time make by-laws, statutes or regulations affecting any of the matters aforesaid, as well as regulating the holding of meetings of the said senate, and the conduct generally of its business, and defining the respective duties, rights, and powers of the chancellor, principals, professors, tutors, and teachers of the said university, and the same from time to time to alter or amend, as may be provided by such by-laws, statutes or regulations.

**13.** Save as to the chancellor of the university, who shall, as aforesaid, be ex-officio a member of the board of governors, no

Powers of  
Senate.

Certain per-  
sons not to be  
members of



board of  
governors.

no member of any of the faculties of the said university, or of the faculties of any school or college being entitled to representation upon the said senate, and no member of the faculty of any affiliated school or college shall be eligible for election to a position on the said board of governors. And no person shall at any time be eligible for election to a position on either the said board of governors, or said senate, who is not then a member in good standing of some Regular Baptist church in Canada; and in case any member of said board, or any senator ceases at any time during his term of office to be a member in good standing of a Regular Baptist church in Canada, or removes from the Dominion of Canada, or in the case of a representative of the said missionary society, or any of said conventions, removing beyond the bounds of the society or convention which appointed him, or in case a representative of any of the said colleges or faculties severs his connection with the college or faculty from which he is a representative, he shall thereupon cease to be a member of said board or senate, as the case may be, and the vacancy caused thereby, or caused by the death or resignation of any member of the said board or of the said senate, shall be filled by the body which appointed such member or such senator.

Quorum.

**14.** Five members, or such larger number as the board may fix, shall constitute a quorum of the board; and nine members, or such larger number as the senate may fix, shall constitute a quorum of the senate.

Majority to  
decide.

**15.** All questions shall be decided by the majority of the members present at the meeting of the board or senate.

Chairman of  
Senate.

**16.** The chancellor of the university shall be ex-officio a member of and the chairman of the senate. In the absence of the chancellor, or at his request, a chairman shall be chosen by the senate from among its members.

Seal to be  
affixed to  
diplomas.

**17.** The seal of the university shall be affixed to all diplomas whenever directed by the senate.

When degrees  
in arts may be  
conferred.

**18.** The senate shall not confer any degrees in the faculty of arts until five professorships, at least, have been permanently established and adequately provided for in the faculty of arts, and five professors appointed to discharge the respective duties thereof, nor until this has been made to appear to the satisfaction of the Lieutenant-Governor in Council, nor until it shall have been made to appear to the satisfaction of the Lieutenant-Governor in Council that the sum of \$700,000, at least, in property, securities, or money, is held for the purposes of the said university, including any preparatory or academic department.

Returns.

**19.** It shall be the duty of the board of governors  
to

to furnish from time to time, or when called upon, to the Provincial Secretary full and accurate information as to the curriculum of study in every faculty of the said university (excepting Divinity) the number of professors, lecturers or other teachers in every faculty, and the subject of instruction assigned to each of such professors, lecturers or teachers; the subjects in which examinations are held for degrees in arts or medicine, and on which such degrees are granted, and whenever called upon to do so to furnish full and accurate accounts in writing of the property of the university and the income derived therefrom in order that the same may be laid before the Provincial Legislature at any session thereof.

**20.** The said university shall not have the power to confer any degrees in arts except after examination, duly had in pursuance of the by-laws and regulations of the senate respecting such degrees; but *ad eundem* degrees may be conferred by the said senate upon the graduates of any university approved of for that purpose by the senate, and such graduates shall have, after the granting of such degrees *ad eundem*, the same privileges as graduates of the university.

Degrees in arts.  
*Ad eundem* degrees.

**21.** No person shall be admitted as a candidate for any degree in medicine or surgery unless such person shall have completed the course of instruction which the senate, by by-law or regulation in that behalf, may determine, in such one or more medical schools, as shall also be mentioned in said by-law or regulation.

Degrees in medicine.

**22.** The treasurer, or bursar of said university, shall be bound, before assuming office, to furnish security for the faithful discharge of his duties by good and sufficient sureties, to be approved of by the board of governors, to the amount of \$10,000, or such larger sum as the board of governors may by by-law or regulation fix.

Treasurer to give security.

**23.** This Act shall come into effect on the first day of November, 1887, and the first meeting of the board of governors shall be held on the eighth day of the said month of November at two o'clock in the afternoon, in McMaster Hall, Toronto, and notice thereof shall be published in the newspaper called *The Canadian Baptist* for two weeks prior thereto; and the first meeting of the senate shall be held at such time and place as the said board of governors may at such meeting appoint, and thereafter all meetings of the board and senate shall be held at such time and place as may be determined on by the said board and senate respectively.

Commencement of Act.

## CHAPTER 96.

An Act to amend the Act incorporating the Trustees  
of the Toronto House of Industry.

[Assented to 23rd April, 1887.]

Preamble.

**W**HEREAS the trustees of the Toronto House of Industry were incorporated by the statute of the Province of Canada passed in the 14th and 15th years of the reign of Her Majesty, chapter 35, and intituled *An Act to incorporate the House of Industry of Toronto*, and have by their petition shewn that it is desirable for the proper conduct of the institution that certain amendments be made to the said Act of incorporation; and whereas it is expedient to grant the prayer of the petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

14-15 V. c. 35,  
s. 2, amended.

1. Section 2 of the said Act is amended by striking out the words "provided that the annual income to be derived from such property shall not exceed the sum of three thousand pounds," and substituting therefor the following: "provided that the annual income to be derived from any such lands and tenements other than the lands in the actual use and occupation of the said corporation shall not exceed the sum of \$12,000, and no such lands or tenements not required for the actual use and occupation of the said corporation shall be held for a longer period than seven years after the acquisition thereof, and within such period the same shall be absolutely disposed of by the corporation, and the said corporation shall have power within such period, to grant and convey said lands or tenements to any purchasers so that the corporation no longer retains any interest therein; and the proceeds on such disposition shall be invested in public securities, municipal debentures, or other approved securities, including mortgages on lands, for the use of the corporation; and any lands, tenements, or interests therein, required by this Act to be sold and disposed of, which have not within the said period been so disposed of, shall revert to the person from whom the same were acquired, his heirs, executors, administrators, or assigns."

14-15 V. c. 25,  
s. 3, amended.

2. Section 3 of the said Act is amended by substituting for the words "on the second Wednesday in the month of January" the words "in the month of April," and for the words "ten shillings" the words "two dollars and fifty cents," and for the words "twelve pounds, ten shillings" the words "fifty dollars," and for the words "twenty-five pounds" the words "one hundred dollars."

3.



3. Section 5 of the said Act is amended by inserting after the word "young" the words "and for the establishment and maintenance of an infirmary and dispensary and for granting assistance to the casual poor." 14-15 V. c. 35.  
s. 5, amended.

4. The persons now acting on the committee, or board of management of the said institution, shall be considered as managers of the corporation for and until the annual meeting to be held in April, 1888. Acting managers continued.

## CHAPTER 97.

An Act to authorize the Trustees of the Warwick Congregation of the Methodist Church at Warwick Village to sell certain lands.

*[Assented to 23rd April, 1887.]*

**W**HEREAS the congregation of the Methodist Church at Warwick Village, in the township of Warwick, in the county of Lambton, known as the Warwick congregation of the Methodist Church, at Warwick Village, do hold in fee simple, all and singular, that parcel or tract of land situate in the town of Warwick (now known as Warwick Village), in the county of Lambton, and Province of Ontario, containing seven acres, be the same more or less, and being composed of "The Park Lot," bounded by Manchester, William, Park, and George Streets, in the aforesaid town of Warwick, which said lands were granted by the Crown by a Crown grant, bearing date the seventeenth day of August, 1858, to the trustees of the said congregation (then known as the congregation of the Wesleyan Methodist Church in Canada, at Warwick Village aforesaid); and whereas the above mentioned congregation have, according to the rules of said Church, determined to sell and convey said lands, the same having become wholly unnecessary for the purposes of said Church, and apply the proceeds of such sale for such purposes as the rules and regulations of such Church may warrant; and whereas said lands were granted to the trustees of said Church in trust, to hold as a site for a church and parsonage only without power to said trustees to sell or convey said lands; and whereas the said congregation have by their petition represented that the said lands are no longer requisite for such purpose, and have prayed for power to sell the same; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1.

Power to sell.

1. The trustees of the congregation of the Methodist Church at Warwick Village, in the said township of Warwick, for the time being, and their successors in office, are hereby empowered to grant, bargain, sell, and convey the lands and premises in the preamble to this Act mentioned, and they are hereby empowered to sell and convey absolutely, and freed from all trusts of whatsoever nature or kind, created by or under said Crown Grant mentioned in the preamble to this Act, or otherwise howsoever, and in such quantity or quantities as they see fit, and for such price or prices as to them may seem reasonable.

Purchaser not responsible for application of purchase money.

2. The purchaser, or purchasers of the said lands, or any part thereof, shall not be in any way bound to see to the application, or be answerable for the non-application of the purchase money, or any part thereof.

Application of proceeds.

3. After payment of the expenses of obtaining this Act, and all proper and reasonable charges and expenses of effecting and carrying out such sale, or sales, the said trustees, the survivor or survivors of them, and any succeeding trustees of said congregation of said church, shall hold and apply the proceeds of such sale or sales, as the case may be, for such purposes as the laws, rules, and regulations of said Church shall warrant their expenditure upon.

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## CHAPTER 98.

An Act to empower Adelia Gould to sell certain lands.

*[Assented to 23rd April, 1887.]*

Preamble.

WHEREAS by indenture bearing date the 15th day of October, in the year of our Lord 1878, and made between Daniel Tierney, of the village of Smiths Falls, in the county of Lanark, gentleman, (a widower), of the first part, Jason Gould, of the same place, mill owner, of the second part, and Adelia Gould, wife of the said Jason Gould, and also of the said village of Smiths Falls, of the third part, the lands and premises following, that is to say:—All and singular the west half of lot number thirty in the fifth concession of the township of Montague, in the county of Lanark, in the Province of Ontario, and that part of lot number one in the fifth concession, in the township of North Elmsley, in the said county of Lanark, known as park lot number two, according to a plan or map drawn by Josias Richey, P.L.S., containing twenty-four acres more or less, and also that parcel of land being part of the original allowance for road between lot  
number

number thirty, in the fifth concession of the township of Montague, and part of lot number one, in the fifth concession of the said township of North Elmsley, sold and conveyed by the corporation of the then united counties of Lanark and Renfrew to one Patrick Tierney by deed dated 22nd June, 1860, and also the east half of park lot number three, of said lot number one, in the fifth concession of North Elmsley aforesaid, which park lot is shewn on the said plan above referred to, and containing six acres more or less, were conveyed by the said Daniel Tierney with the consent and at the request of the said Jason Gould to the said Adelia Gould: To have and to hold unto the said party of the third part (Adelia Gould) her heirs and assigns upon the trust following, that is to say:— To hold the same in trust for the sole use, benefit and behoof of the children that are now born, or may be hereafter born, issue of the marriage of the party of the second part (Jason Gould) and of Adelia Gould his wife (the party of the third part) upon trust to apply the use, issues and profits thereof for the support, maintenance and education of such children until they respectively attain the age of twenty-one years, then upon trust to convey the said lands in equal shares to and among the said children their heirs and assigns forever; and whereas the said Jason Gould departed this life on or about the 24th day of October, A.D. 1882, intestate, leaving him surviving his wife, the said Adelia Gould, and four children, Anna Adelia Clara Gould, Jason Gould, Carrie May Gould and Harry Johnson Gould, all infants under the age of twenty-one years; and whereas the said Jason Gould at the time of his death was the owner of certain houses and lots, in the said town of Smiths Falls, and also certain vacant lots in said town; but was not possessed of personal estate sufficient for the payment of the debts due and owing by him at the time of his death; and whereas the income derived from the said lands and premises belonging to the said Jason Gould, and from the lands and premises hereinbefore described, is insufficient for the support of the infant children of the said Jason Gould; and whereas an application was made to the High Court of Justice, Chancery Division, as appears by petition filed with the proper officer, on the fourteenth day of February, A.D. 1887, petitioning said Court for the sale of such portions of the lands belonging to the said Jason Gould, as to the said Court might seem meet, and also petitioning for the sale of the lands and premises hereinbefore described, for the purpose of paying the debts of the said Jason Gould and providing means for the support, maintenance and education of the said infants; and whereas the Act passed in the twelfth year of Her Majesty's reign empowering the Court to order a sale of the estates of infants, provided that no sale shall be made against the provisions of any conveyance by which an estate has been granted to an infant or for his use; and whereas the official guardian of infant estates for the Province  
of



of Ontario, to whom was submitted the petition and evidence used on the application to the Court for the sale of said lands, has written to the solicitors for your petitioner in the following terms, that is to say:—" *Re* Gould infants; touching the application you made for a sale of the farm lands under 12th Victoria, I beg to say that I am of opinion that the land in question could not be sold under the provisions of that statute. Should it be in the interests of the infants to sell the property in question I think you had better apply at once for an Act of Parliament"; and whereas the portion of the lands and premises, hereinbefore described, have recently been taken into the corporation of the said town of Smiths Falls, and taxes will in future have to be paid thereon at the rate levied in said town; and whereas the said infants will suffer great loss unless the power to sell said lands is at once conferred upon your petitioner, so as to enable her to offer said land for sale during the present year; and whereas it is manifestly to the advantage of the infants that that portion of the said lands now within the limits of the said town of Smiths Falls should be subdivided into town lots and sold for the best price obtainable therefor, and the annual income to be derived from the proceeds thereof applied towards the support, maintenance, education and advancement in life of the said children; and whereas it is expedient to grant the prayer of such petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sale by trustees authorized.

1. Subject to the approbation of the said Official Guardian or Judge of the High Court to be testified by his signature on the margin of the conveyances, the said trustee, or the trustees or trustee for the time being, shall have full power and authority to subdivide into town lots and sell, convey and absolutely dispose of all and every or any part of the lands hereinbefore described, situate within the limits of the said town of Smiths Falls, as she or they in their discretion see fit, to any person or persons, whomsoever, either together or in parcels, and either by public auction or by private contract, and for such price or prices in money, payable by instalments and to be secured by mortgages, or otherwise, as to the trustee or trustees for the time being shall seem reasonable, and any deed executed by said trustee or trustees, as aforesaid, shall vest in the purchaser a full, clear and absolute title to the said lands, subject only to any rights therein now existing or granted by competent authority prior to such sale, and freed from all trusts whatsoever contained in said deed hereinbefore recited and from all estates, rights and interests whatsoever of the children of the said Jason Gould.

Application of proceeds of sale.

2. The proceeds of such sale after payment of the expenses of obtaining this Act, and all proper and reasonable costs, charges

charges and expenses of effecting and carrying out said sales, as the same may be from time to time paid, shall be paid into the Supreme Court of Judicature for Ontario to the credit of the said infant children of the said Jason Gould in that matter now pending in the High Court of Justice, Chancery Division, entitled:—"In the matter of Anna Adelia Clara Gould, Jason Gould, Carrie May Gould and Harry Johnson Gould, infants under the age of twenty-one years." The proceeds of such sales when so paid in as aforesaid, shall be held upon the trusts and for the same end, intents and purposes expressed in the said deed with respect to the said lands and subject to the same rules and incidents, with respect to the devolution thereof and otherwise, as if the lands still remained realty.

3. No purchaser or alienee shall be required to see to the application of the purchase money or other consideration in respect of any disposition made under this Act.

Purchaser not responsible for application of purchase money.

## CHAPTER 99.

An Act to authorize the Directors of the Royal College of Dental Surgeons of Ontario, to grant a Certificate of License to Marshall Bidwell Mallory to practise Dental Surgery in the Province of Ontario.

[Assented to 23rd April, 1887.]

WHEREAS Marshall Bidwell Mallory has by his petition set forth that, for five years previous to the fourth day of March, in the the year 1868, he had been constantly engaged in the practice of dentistry, and that he was then and now is a British subject; and whereas, *The Act respecting Dentistry* as assented to on the said fourth day of March, in the year 1868, provided that dentists being British subjects and having been engaged for five years in an established office practice of dentistry and furnishing proof of the same, upon payment of the prescribed fees, should be entitled to a certificate of license to practise dentistry in Ontario without passing any examination; and whereas, by amendments to the said Act passed in the year 1872, it was required that the said practice should be carried on in the Province of Ontario; and whereas, the said Marshall Bidwell Mallory returned to the Province of Ontario in the year 1873; and whereas, it is expedient to revive the rights of the said Marshall Bidwell Mallory under the said Act of 1868; and whereas, the petition of the said Marshall Bidwell Mallory has been submitted to the directors of the Royal College of Dental Surgeons of Ontario and the said Board,

Preamble.  
assuming

assuming that the facts are as stated in the said petition, offer no opposition to the rights of the said Marshall Bidwell Mallory being revived; and whereas, the said Marshall Bidwell Mallory has prayed that an Act may be passed to authorize him to practise dental surgery in Ontario; and whereas, it is expedient to grant the prayer of the said petition;

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:—

Authority to  
admit  
M. B. Mallory  
to practise  
dental  
surgery.

1. It shall and may be lawful for the Board of Directors of the Royal College of Dental Surgeons of Ontario, and they are hereby directed to grant to the said Marshall Bidwell Mallory, on payment of the prescribed fees, a certificate of license to practise dentistry in the Province of Ontario.

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TO

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